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COMMUNAL SOCIETY AND THE “DUAL SYSTEM”.
EQUALITY AND INEQUALITY IN THE CARPATHIAN VALLEYS

ILIE BĂDESCU*

ABSTRACT

The present study is dedicated to the socio-historical research of community-egalitarian societal formations and of their perpetuation in different geographical areas for thousands of years. Such a societal formation, relying on the system of the free villages, persisted in the area of Romanian Land, stretching around the Carpathian Mountains, since immemorial time until nowadays. This study is focused, therefore, on the causes of its continuity in Romania in defiance of the fact that, at a certain historical moment, the societal inequalities have supervened themselves to back up the societal state-system. In Romania, the communitarian culture has propagated unchanged for thousands of years next and often under the layers of superimposed nomads with their own systems of dominations, taxing apparatus and military bodies. Research of the continuity of community-egalitarian, non-hierarchical and rankless social formations along with the ascent of hierarchical, inequality-based formations is the main purpose of the present study.

Keywords: communal society, inequality, communitarian culture, dual system, free villages.

I. THE COVENANTAL SOCIETY AND COMMUNITARIAN CULTURE

“The collective psychology of rejecting bad deals is a necessary condition for the survival of a communitarian culture; however it is not sufficient.” (Joseph Livni)

1. COVENANTAL OR CONTRACTUAL SOCIETY?

A long period of history, the social organization of human society was based on what Joseph Livni used to call in his recent studies the communal equalitarian

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structure and organization¹. When justice system and land property, its partitioning between family households, belong to the community that manages them without intervention of any kind of external hierarchy and intrusion we may speak of a communitarian society. We say, in such situations, that the community takes precedence over the political and military system, however complex it would be. Based on its communal organization, the community takes control of even economy. Relying on such a basic assumption, we may conclude that the beginning of historical era equates with the beginning of historical inequality. Mircea Eliade used to make distinction between a historical society and historical society, based on the study of a significant shift from a society living in a “time at once primordial and indefinitely recoverable”² to a society living in a “profane, chronological time”. In Daniel Judah Elazar’s and Livni’s analyses dedicated to the socio-historical study of what Elazar called covenantal society, such a historical shift equates with the transition from covenantal, non-hierarchical, egalitarian society to a hierarchical, elitist, inequality-based society, that overlapped with the transition from Proto-Israel to Historical Israel, a transition marked by “the conflict between Levites and the elders of the other tribes”, of the elitists with egalitarians³. “How was it possible, then, that the ‘free’ villages dominate at the moment when the state was born?” Here’s the question the great sociologist H. H. Stahl put referring to the Romanian case. This question will remain out of an appropriate answer if we do not search the ways of exploiting the village communities in the West and in the East. Such a task requests firstly a clarification of the theoretical and methodological issues involved by such an approach.

As a rule, sociology takes its guidance from the relation between the surface phenomena, *i.e.*, the practical and moral concerns of everyday life, and the deep structures of society. No matter how extensive the social transformations are, that deep unit through which such transformations become comprehensible is continually recomposing. Looking for an appropriate response to the challenging issue of cutting-out such a deep comprehensive unit with a leading role in the research of societies, some sociologists, like H. H. Stahl (in Romania) or Daniel J. Elazar (in USA and Israel) coined a new concept to designate such a profound unit. The new concept is the *communal society* (with Stahl’s notion) or *covenantal society* (with Elazar’s concept), in opposition with Spencer’s phrase: *contractualist societies*. Spencer’s response to the challenge of coining a key-concept for a theory

¹ Joseph Livni, *The Battle of the Covenantal Society against the Elitism, An Overlooked Chapter in the History of Social Inequality*, manuscript, 2018.

² Mircea Eliade (1963). *Myth and Reality*, New York: Harper & Row, p. 18.

³ J. Livni, *op. cit.*: “(The Roman Commander Titus [son and heir of Emperor Vespasianus] marched with his army in 70 A.D. to the Temple. He destroyed it... 70 CE marked the end of Ancient Israel and of the battle between covenantal and elitist Judaism. Without the Temple, the priesthood lost. The covenantal model survived not because it was superior but because in the conditions of diaspora it became the fittest” – p. 32)

of society assumes a model of societal organization where economy takes precedence over the community. This is but a particular situation and it denotes, apparently, a defining model for a late historical era and for a small area, that of Western Europe. In reality, in other geographic areas and for long historical periods, the organizational model was one in which “community seems to take precedence over economy”⁴.

The communal society and culture lays on a “geometrical” resolution, as J. Livni argues, to designate the underlying order of a “good society” and to make intelligible the idea of the “good man” (as ideal-type) in the science of society. Such a definition must be concomitantly general and intuitive-concrete in order to be on the same time intelligible to common people and at hand for the purpose of giving the salutary answer to the more general (universal) / challenge: *how to live honestly, rightly, that is, justly*. The *keyword* in the language used by the common people to circumscribe intuitively the right answer to this fundamental challenge on how to live justly (that is, how to organize justly everyday life) is, Livni argues, “*the straight line*” (J. Livni)⁵. This phrase suggests that people guides his everyday life based on the pattern of “the straight line”. The core element of the communitarian culture is, Livni argues, the “living science” of „drawing straight lines” to mark the separation of two or more land ownerships. In Romanian language, God’s ordinances and commandments are called *dreptare* (*i.e.* what in things, in ways of doing and living etc. is consistent with their divine design), a term that encompasses the meanings of at least four different words: a) “straight” (like in the phrase, *straight lines*, meaning that type of *good boundary* which marks a clear-cut separation between two land’s ownerships but also between things to be used them correctly and clearly); b) “teachings” about how to live honestly, “rightly”, based on a “straight” (right / correct) pattern of life; c) *guidance* for good practice and successful activity and finally for how to live in order to be pleased to God; d) *standards* invoked in a communalist justice (communal judgement).

In a way, we may assume, as J. Livni underlines, that “***justice and seeing straight*** have remained associated since land have been owned, the connection is not only found in Indo-European cultures; the Hebrew Bible also uses the term *straight* for *just* (Jud, 21>2).”⁶ In the Proto-Romanian communalist society and culture, the partitioning land between villages and, within them, between family households, was based, as researches of H. H. Stahl disclosed, on this pattern of the “straight line”. Basically, everything happens as if a special type of social world

⁴ On this issue and, therefore, on the definition of the communal structure see also: S. Mithen, B. Finlayson, S. Smith, E. Jenkins, M. Najjar, and D. Maricevic (2011). *An 11,600 year old communal structure from the Neolithic of southern Jordan*. *Antiquity*, 85 (328). p. 350–364. Presenting a “communal and monumental structure in Western Africa”, the authors conclude that it is representative for a type of organization “in which community seems to take precedence over economy”.

⁵ J. Livni (2016), manuscript, p. 5, italics added by the author of this article, I. B.

⁶ Ibidem, italics added by I. B.

stemmed from a word: “straight”, as J. Livni underlines in his paper. We may notice that the Bible is just a universal codification of such a “geometrical” resolution for this semasiological challenge. The issue of the land appropriation is part of the same deep root, and it lays the foundation of the “natural” societal order itself. Therefore, land appropriation, with its semantic biblical denouement, along with the issue of order and law, form a single semasiological unity, a single word, finally, and this unity has a divine origin (see *The Book of Genesis*).

The Book of Genesis discovers us that God Himself made man to be the master of land and, following the consequences of the lapsatory moment, not only that God has not taken back from man the creational gifts but He, additionally, bestowed upon man a superadded ability, that of being able to work the land and to harvest its fruits in a way that is pleased to God, that is, by living and sharing everything justly, *i.e. straight*.

The culture raised on this complex *system of orderliness* (recognized by the multitude as having a divine origin) is a basic *covenantal culture* and it stems from that very biblical moment disclosed by the *Book of Genesis* as a narration about the secret destiny of human being. That biblical narration reveals us that human destiny is deeply „hidden in God” and that the whole story of human being is founded on *the covenant between God and man* (starting with the first one between God and Adam whom God created upon His own image and likeness), a covenant that man has broken by not observing God’s *protecting commandment* of not eating from the forbidden tree (as a matter of fact, from *the mortal fruit*). Therefore, God has called man not to an interdiction (to a so blamed “divine prohibition”), but to a divine lovingness, caring (watching out) lest man should do “bad deals” because such “deals” transform man from the condition of being destined to an eternal life into a mortal being. The first covenant was referring, therefore, to the secret issue of death. God only advised man, warning him of the wrong path (way), lest the man wish to know *the reality of death*, but man has not respected this **protective covenant** and, consequently, he discovered death but with the price of dying, of becoming a mortal being, sharing an *opposed destiny, contrary to what he was created to be*, that is, to be an *immortal being*. “*The collective psychology of rejecting bad deals is a necessary condition for the survival of a communitarist culture; however, it is not sufficient.*”⁷

The main purpose of the communitarian culture is, in all times and places, the preservation of the foundational semasiology enabling us to discern intuitively the profile of a *good orderliness* in society and to deposit it in the vernacular languages by those families of words through which, a kind of pre-reflexive semantic paradigms are propagated in large populations. The “covenant society” (communitarian culture) is a guarantee that any vernacular language holds in its depth a latent “sociological tongue” so that, consequently, ordinary people bear

⁷ *Ibidem*.

unconsciously in their mind a “sociological self” that establishes dynamic anchor points between *covenant and contract*. This sociological self, that Mead named *social mind*, is our inner mirror playing the role of assessing variations *around the pattern of a just society*, so that, within our latent mind, we do not mistake as to what is the ideal-type of societal justice, *i.e.*, a latent societal type helping us, pre-reflexively, to recognize the state of a given society as being a just/right or an unjust one. This inner social mind has universally and irretrievably been testified in Bible through what D. J. Elazar called the *covenantal type of society*. Thanks to it we are self-reinforced within a primeval “looking glass self”, as Cooley named it, and which makes us spontaneously able to comprehend the fundamentals of a “straight society”, and to make the difference between *social justice* and *societal injustice*. That is why, we, as humans, are endowed with self-assurance and why are we entrusted to conclude that *self-assurance and not angst* is the core of human spirit (as a theologian like Eugene Drewermann has argued in his debatable studies).

In Drewermann’s view, the biblical “stories” (as he called them) are “the portrayals of how anxiety deforms human existence. People lose a sense of hold and security when anxiety takes over, and in their desire to obtain an absolute or metaphysical security, people only make things worse.”⁸ Human life is an incontinent endeavor to reconquer a sort of metaphysical security and craving for self-assurance he is making things worse and worse. Sociologists like Spencer considered that our social mind uses, as a keyword of the latent sociological reflexing on societal order, the word “contract”. We may call it the “Spenserian keyword”. In such a view, the latent societal type is what Spenser named the *contractual society*. In the same meaning Rousseau wrought *Social Contract* sharing the same basic contractual assumption. His image of the latent social mind looks like a sort of abstract legist mind. The ultimate measurement of the latent ideal society is in such a view the *group of legists*. Such a view is all of what might be more different, even opposite to Elazar’s ideas of “covenant” as the foundational element of society. *Therefore, in such a legist view, not contract but covenant is the angular stone of societal edifice.*

The Covenantal order makes of the social memory a mirror of time and of all that are passing in the world, mighty or minor, great or insignificant, the powerful of history and the humble of fate.

Between me, as an individual, and the higher order, there is nothing to interfere, nothing to watch, but God. Here it is a facet of distinctions between covenantal patterns and archetypes. The societal order based on the ranks and the king, as a ruler with supreme power in this world, is an alternative to the covenantal order, because the king alleges for him the role of a mediator, who interferes between me and incorruptible divine order, claiming for him the role of the representative of a higher order. In a certain sense, the history of mankind is

⁸ E. Drewermann, *Structures of Evil*, <http://www.drewermann.info/structures.shtml>.

like a mirror of the incessant struggle between two types of social order, as Livni himself underlines: a rankless and non-hierarchical one, based on the common observance of divine orderliness, and a hierarchical, non-egalitarian one, based on the implicit obedience to the power of the ruler and his elite.⁹ Is there beneath of such a struggle a more deep order in which the model of a “good society” is mirrored? We share Elazar’s view that the main epistemological tool to look for an appropriate answer to such a challenging question is not the *contract* as for Spencer but the *covenant*, as for Bible.

2. WHAT DOES IT MEAN A “GOOD SOCIETY”?

The entire social building is founded on the covenant, as the Bible teaches us. “It is possible that covenant ideas emerged spontaneously in various parts of the world. If, indeed, covenant thinking is rooted in human nature as well as nurture, it is to be expected that some people everywhere would be oriented toward the idea somehow. In the course of this book we will explore some examples of such spontaneous developments outside of what became the covenantal mainstream: Scandinavian oath-pacts, Bedouin and American Indian tribal confederacies, and the Hungarian national covenant, to mention a few. In fact, it is not sufficient for random individuals or even groups to be disposed to it for an idea to take root and spread.”¹⁰ The covenant became a concept as well as the phrase “covenantal society” became also a concept, meaning that foundational sociology stemmed itself from the biblical root. The Bible as the Book of the revealed Law certifies that the real society, whichever and wherever, has its own mirror in the covenant society whose fundamentals can be decoded in the Book of revealed Teachings (storying upon the Covenant between God and Abraham as the Patriarch of a people reinforced by just this covenant). In this perspective we may repeat with Elazar that “covenant thinking is rooted in human nature as well as nurture”.

Such a way of living and thinking stems from a deep rooted culture which on its turn backs up what we may call the Good Society.

Some people considers that a good society equates with the welfare *state*, some others will think that it equates with a “just society”¹¹ and so further.

⁹ See J. Livni, *op. cit.* The concept of “rankless society” is proposed by J. Livni to analyse the emergence of inequality in history, *i.e.*, of a hierarchical society based on the ruler power instead of the power of rule as in egalitarian type of society. For Livni’s analysis see the article with the same title which is to be published in *Review of Romanian Sociological Studies*, no. 1, 2020.

¹⁰ Daniel J. Elazar (1983). *Covenant and Polity in Biblical Israel*. Volume 1, Biblical Foundations and Jewish Expressions. See also Irving Louis Horowitz (2000). “Daniel J. Elazar and the Covenant Tradition in Politics”, in *The Journal of Federalism*, 31 (winter): 1–7.

¹¹ Dennis P. Hollinger (2002). *Choosing the Good: Christian Ethics in a Complex World*. Baker Books: 166. The issue of just society is approached in the essay of J. S. Mill, where he proposed a vision on a society wherein decision makers together with all the other citizens contribute to the “common good”. See also John Stuart Mill (1871). *Utilitarianism*. Longmans, Green, Reader,

Referring to the concept and idea of a good society, Andrea Nahles argues: "When we started the initiative for the Good Society – during what became the most severe economic crisis since the 1920ies – our starting point was: There is an alternative. We do have a choice. We do not have to go back to unbalanced growth that leads into crises. We do not have to accept high levels of inequality and anxiety in a market society. Instead we can build a Good Society"¹². Her idea is that the good society is different from the market society but she remains nevertheless attached to the materialist hypothesis. The traits of a good society in her vision are the followings: *social justice, sustainability and security*. These preconditions support "the right of everyone to achieve their own unique way of being human"¹³. Many will put the sign of equality for such a society with lot of things and riches and stuff from this world. They all appear to have fallen into an error. The stuff and riches they got in this world are provisionally, but a good society should still last even after they and their riches have passed away and it has left of them in this world no more but moth and rust. We may conclude that a good society is a way of living and of doing things, therefore a type of a *profound culture that guides and enables us to do good deals and to reject regularly bad deals*. D. Elazar called such a society, oriented towards a way of living based on deals pleased to God that enforces God's orderliness, covenantal society. A good society must be always here and there, easy to be noticed and found out so that everybody could look for it, use it as a guide for attainment a way of being that uplifts you at that place where "no thief approacheth, neither moth corrupteth."¹⁴ (Luke, 12: 33) A good society is a non-transient society and therefore it cannot be of a material nature which is transient but of a spiritual nature which is long-lasting, imperishable. So what is at the same time imperishable and guiding and trustworthy and rewarding and pacifying and reassuring and so on? Who does much the more than God that bears testimony and vouches for such over-positive attributes permanently beyond us and at the same time at our disposal, simultaneously un-destructible and non-subtractable? These attributes make the substance of the covenant culture. Therefore we have to evoke Weber's lesson upon what is the good capitalism opposed to a "bad", booty capitalism. And Weber concluded: the good capitalism is that brought forth by profoundly *faithful capitalists*, who look for God in all and over, who lay their riches at God's feet, for His glory and unto His glorification¹⁵ (*ad maiorem Dei gloriam*). The issue is

and Dyer. (Among the answers to the question "What is a just society?" it seems this one to be relevant: "One which adheres to the morals and ethics of the majority of the populace rather than of a small ruling class").

¹² *Equality and the Good Society*, in <http://www.social-europe.eu/2011/03/equality-and-the-good-society/>.

¹³ *Ibidem*.

¹⁴ Luke, 12: 33. (*Bible*, King James Version).

¹⁵ See Christiano, Swatos, Kivisto, Kevin, William, Peter (2008). *Sociology of Religion*. New York: Rowman & Littlefield Publishers Inc., p. 7.

related to the theodicy of fortune and misfortune in Weber's approach of capitalism. The theodicy (i.e. how "members of different social classes adopt different belief systems, i.e., theodicies, to explain their social situation."¹⁶) within sociology looks for answer to this question: "how people understand themselves to be able to be in a right relationship with supernatural powers, and how to explain evil – or why bad things seem to happen to those who seem to be good people."¹⁷

The Weberian faithful capitalists knew all the time which is the way towards a good society because they had the One with them to be asked and give them correct answers, that is they used to live and doing deals within the Covenant with God.¹⁸ A *good society* is made up by *good men* who know goodness from the One who is in all good and so is for good. We may conclude therefore that within and through the fabric of a concrete society there lay a latently *good society* contending with manifestly *bad deals* and it is given so their net separation as a *moral inner distance* of "social mind" (H. G. Mead). The way towards a good society equates with the way towards gradual actualization of the latent spiritual order that makes of our collective life a good society. The people competent to remake the fabric of society to sustain a long-lasting good society are the people capable of doing straight deals. If they and their spiritual orientation will prevail within a given historical society the "rare word of God" will be reinforced in our language and our daily life. This prevalence leads to reinforcing the covenantal order within historical society and to reinforcing Biblical language through even the science's language.

3. BIBLICAL (COVENANTAL) FOUNDATIONS OF SOCIOLOGY¹⁹

In the book of Samuel, we are spoken about the transition to a new type of society facing the occurrence of intra-societal fractures and increasing external clashes with surrounding peoples. Whenever such a disruption emerged, the semasiology of righteousness is threatened itself to be dismantled.

As we read in 1 Samuel, 3:1 (NIV) ("The Calling of Samuel"): "In those days *the word of the Lord was rare*; there were not many visions". Thus, the Holy Book tells us that "the spiritual or noological powers" have weakened in the world, that is, the working of covenant semasiology faded and that the world no longer receives the word of the Lord. The house of the priest itself, through the sons of

¹⁶ See Plye, Davidson, Ralph, James. "Stratification". Encyclopedia of Religion and Society.

¹⁷ Weber, Max. *The Protestant Ethic and "The Spirit of Capitalism"* (1905). Translated by Stephen Kalberg (2002), Roxbury Publishing Company, p. 19, 35.

¹⁸ "the affluent embrace good fortune theodicies, which emphasize that prosperity is a blessing of God...[while] theodicies of misfortune emphasize that affluence is a sign of evil and that suffering in this world will be rewarded in the next" (Plye, Davidson, Ralph, James. "Stratification". Encyclopedia of Religion and Society).

¹⁹ This section retrieves previously drafted parts in a chapter of my book, *Noology. The Spiritual Order of the World*, edited in 2001, Bucharest, Valahia Press.

Eli, has become estranged from God and from His ways. Bridging this gap starts from a point of maximum anonymity, somewhere in the midst of the people, through the wife of a certain Elkanah as a witnessing on the latent perpetuation of covenant, communitarian culture, in the deepness (profoundness) of the folk mind. The noological or spiritual insurrection begins with a "pain and grief" which cannot be exhausted except through the greatest and highest commitment, the commitment to God: "Do not take your servant for a wicked woman (says Ana to his husband, Elkanah); I have been praying here out of my great anguish and grief."²⁰ Where had Elkanah's wife spoken? She had spoken in the *Tent of the Lord*, in prayer. The voice of the people, the wisdom of the people of Israel (that is the profound latent covenantal culture) was then heard through the voice of this woman, as extraordinary as she was anonymous, in the redeeming power of her faith. Properly it was not her who has spoken out there but the *latent covenant spirit* from the very mental backstage of her mind.

Her prayer is rewarded by the ending of the cycle of the droughty estrangement, as Hannah's voice acquires prophetic value and we find it in the prayer of praise which is preserved in the Old Testament by this very name, Hannah's Prayer of Praise.²¹ In the anonymous Prayer, we find the entire truth of the natural law and of the will of God, and everything occurs through "natural revelation", that is, in the words of an anonymous wife who, out of the thousands of wives, has given her child to God. It is the most moving restoration, and her voice comes from the noological depths, as it repeats "truths" that the deviations of richness and of vanity appeared to have been capable of burying. The natural voice of Hannah's prayer is sufficient for the unveiling of those depths, and they are memorized in 1 Samuel 2:2, 3, NIV: "There is no one holy like the Lord; there is no one besides you (...) "Do not keep talking so proudly or let your mouth speak such arrogance, for the Lord is a God who knows, and by him deeds are weighed (...)"

"The Lord sends poverty and wealth; he humbles and he exalts. He raises the poor from the dust and lifts the needy from the ash heap; he seats them with princes and has them inherit a throne of honor. For the foundations of the earth are the Lord's; upon them he has set the world."²²

"Hannah's Prayer of Praise" was rewarded, as the Lord blessed her with the gift of fertility, and so the one who was named child Samuel was born. And Samuel will be the one who will advise the House of Israel to return to the Lord, *i.e.*, to the covenantal order of society, if they want to defeat the Philistines. "If you are returning to the Lord with all your hearts, and rid yourselves of the foreign gods and the Ashtoreths and commit yourselves to the Lord and serve him only, and he will deliver you out of the hands of the Philistines."²³ It is evidenced that the

²⁰ 1 Samuel, 1:16, NIV.

²¹ 1 Samuel, 2, NIV.

²² 1 Samuel, 2:7-8, NIV.

²³ 1 Samuel, 7:3, NIV.

covenant culture is the culture of triumph, it guarantees the triumph. And Samuel was judge of Israel “all the days of his life”, until, again, as before, the sons of Eli and his sons, judges over Israel, become estranged from God and from the ways of Samuel, as they “turned aside after dishonest gain and accepted bribes and perverted justice.”²⁴ They had come to accept a new type of culture that reflected a new order with elite estranged from the genuine covenantal order on the way to take the leading role over the whole native society.

And when Samuel set the stone between Mizpah²⁵ and Shen, and he named it Ebenezer, saying “Thus far the Lord helped us!”²⁶, these words seemed to have a deeper meaning, speaking of the frontier between two ages, of judges and of kings. *And again doxology became estranged, as we have said, from noology, that is, the public voice spoke without the spirit of God and mostly it was broken away from the covenantal/communalist culture.* “So all the elders of Israel gathered together and came to Samuel at Ramah. They said to him, ‘You are old and your sons do not walk in your ways; now appoint a king to judge us, such as the other nations have’.”²⁷ The fracture’s threat started to be felt in the air. There emerged a typing point of societal becoming wherefrom the balance between equality and inequality started to incline towards inequality and to alienate the people from the egalitarian type of society.

We must take into account the fact that those who notice the “deviation” are “the elders”. Secondly, we can see in Samuel’s anger all the tension caused by the growing distance between the temporal power (through “the elders”) and the spiritual one (through the judges who propagated the word of the Lord). Thirdly, we must also notice that this “growing distance” expresses a great tension between the law of needs (the existence and the will of people are related to the nature, to the created being, but also to the Fall, to the necessities) and the revealed law (which in that period was transmitted through the word of the judges).

And the Holy Book bears witness that God does not set the revealed law against the natural law, so that, to Samuel’s anger, and to his prayer, He answered thus: “Listen to all that the people are saying to you; it is not you they have rejected, but they have rejected me as their king. As they have done from the day I brought them out of Egypt until this day, forsaking me and serving other Gods, so they are doing to you. Now listen to them; but warn them solemnly, and let them know what the one who will reign over them will do.”²⁸ And here we count the eight subordinations to the king, having an always-verified validity; and they are all servitudes, so that we can say that this is the first “monarchic catechism” in the

²⁴ 1 Samuel, 8:3, NIV.

²⁵ “But it was also called Mizpah (which means “watchtower”), for Laban said, “May the LORD keep watch between us to make sure that we keep this covenant when we are out of each other’s sight”.

²⁶ 1 Samuel, 7:1, NIV.

²⁷ 1 Samuel, 8:4–5, NIV.

²⁸ 1 Samuel, 8:7–9, NIV.

history of humanity and it speaks of the order through subordination, which certifies that the extension of the civil law, through the institution of royalty, means the addition of a new link. This link appears to be the same with a superposed institution that mediates the emergence of the subordination to a temporal power, expressed through the social hierarchy and the will of the ruler. God does not oppose, but the people had to know what that which they want means. What they want, as long as it is willed, is related to the free will, and God requests Samuel to "listen to all that people are saying", but also to enlighten them on the essence of what kingship is. For the king, kingship means the "rights of the king", and for the people, thus turned into subjects, kingship means "servitudes to the king". This is the new frontier which emerges in history when man decided to a social construction far away from the covenantal or communitarian culture, outside the culture of covenant. The new link, which emerges in order to rebuild the relation between the natural law and the civil (willed) law, within the order of the creature, is the link of obedience. Obedience emerges into the world and man willingly turns into a subject of his king. This is the crucial trait that makes the difference between the covenantal or communitarian, a historical culture / society (whose roots deepens profoundly in the covenantal layer of existence) and the historicized society and culture. Although human being preserves his free will (as long as he by his own choice decided to call the king in his life), it nevertheless loses the power of making a clean distinction between "good" and "wrong" society. That explains why and how it's possible for a communitarian society to assert oneself off the hierarchical society and to survive under such a quality for a good while.

"Now listen to them; but warn them solemnly and let them know what the one who will reign over them will do."²⁹ Samuel tells them what a king means and he concludes: "When that day comes you will cry out for relief from the king you have chosen, and the Lord will not answer you in that day. But the people refused to listen to Samuel. 'No!' they said. 'We want a king over us. Then we shall be like the other nations, with a king to lead us and to go out before us and fight our battles'. When Samuel heard all that people said, he repeated it before the Lord. The Lord answered 'Listen to them and give them a king'. Then Samuel said to the men of Israel, 'Everyone is to go back to his town'."³⁰

And, therefore, all happens, takes place in the dialogue between God, Samuel and the people, involving the revealed law and the natural law (of nature). And what is accomplished reaches its utmost fulfillment through a purely noological phenomenon of "renewal of the heart". Saul becomes a king only after the word of the prophets and the divine Spirit has descended upon him, which results in the "Renewal of his heart". It is only then that Saul truly becomes a king: "As Saul turned to leave Samuel, God changed Saul's heart, and these signs were fulfilled

²⁹ 1 Samuel, 8:9, NIV.

³⁰ 1 Samuel, 8:18–22, NIV.

that day.”³¹ Thus, the kings may receive the divine renewal and then “God gives them another heart”, which transforms the link of obedience to the king into one of the common obedience of the king and of the people to the will of God. It is discovered us that the covenant culture may triumph over a royal society (read: a hierarchical societal order). But the kings can become estranged from the will of God, and then obedience loses any spiritual meaning and becomes obedience in need, blind obedience of the subjects to the masters of this world and not at all to God. The culture of covenant breaks away from the culture of a certain historical order.

The significance of “royalty” is again and clearly explained by Samuel to the people of Israel. And this significance is related, on the one hand, to the same feature of the Oriental empires, wherefrom God has just saved His chosen people, which do not prevent the latter, in their deep need, to want a king. But the king that they asked for is added to the previous order, although he brings diminutions in the natural order, because indeed, after the rule of the kings the servants and the servitude to the king appear.

“And [Samuel] said to them, ‘this is what the Lord, the God of Israel, says: ‘I brought Israel out of Egypt, and I delivered you from the power of Egypt and all the kingdoms that oppressed you’. But you have now rejected your God, who saves you out of all your calamities and distresses. And you have said ‘No, set a king over us’. So now present yourselves before the Lord by your tribes and clans’. When Samuel brought all the tribes of Israel near, the tribe of Benjamin was chosen. Then he brought forward the tribe of Benjamin, clan by clan, and Matri’s clan was chosen. Finally, Saul, son of Kish was chosen (...).”³² Two aspects should be remembered from all this noological “turmoil”: 1) Only the one who judges people in the name of God, who has acquired the right to be the judge of God within his people is entitled to judge the people, and the judgment is done between the respective person and the people, in front of God: “Now then, stand there because I am going to confront you with the evidence before the Lord as to all the righteous acts performed by the Lord for you and for your fathers.”³³ 2) The king was born from the state of estrangement, from the “sin of the people”, but this sin is not to fear, as it only reflects the will, and derives from the error of the people which lifted the law of need above the law of nature. This sin is pardonable, but the sin of estrangement from God is not:

“The people all said to Samuel, ‘Pray to the Lord for your servants so that we will not die, for we have added to our other sins the evil of asking for a king’. ‘Do not be afraid’, Samuel replied. ‘You have done all this evil; yet you do not turn

³¹ 1 Samuel, 10:9, NIV.

³² 1 Samuel, 10:18–20, NIV.

³³ 1 Samuel, 12:7, NIV.

away from the Lord, but serve the Lord with all your heart'.³⁴ Therefore, as long as the people and the ruler, in their new hierarchical order, do not "turn away from the Lord", i.e. from the covenantal order, the peace and security will prevail in their life. If and when the people and/or the king will estrange from the covenantal order they will be exposed to misfortunes and wars.

What is the conclusion that we can reach?

Any new institution is allowed by God, and the sin of pride is forgiven if it is associated with a noological or spiritual renewal under the inspiration of covenant. Otherwise, it is only sin and nothing more, that is, axiological overturn, because it moves the center from the authority of God to the exclusive authority of temporal power.

"Yet if you persist in doing evil, both you and your king will be swept away."³⁵ Thus, in this book of kings, we find the fundamentals of the science of order and changing of a society, a science which tells us that any change is desirable and fruitful as long as it is also a change of the heart, that is, a spiritual renewal in accordance with the covenant orderliness and, therefore, with the will of God. Otherwise, the change is futile, and the order is pure suborder and blind obedience. Therefore, we can speak of two types of order and of two types of change: the order of the created being and the order which derives from human necessity, and the latter is added, as the result of man's creation. When the created order is associated with a noological renewal, that order is added to the natural order, that is, to what is created by God.

When, on the contrary, the new order created by man is not associated with a spiritual renewal, of the individual and of the people, under the covenantal inspiration, then, the growing distance between man and God cannot be recuperated. The reconstructed order, instead of adding to the natural one, is superposed to it and, therefore, it becomes a burden and a lack of freedom. Therefore, noological sociology shows us the error of the Marxists, and of the atheist sociology in general, which either finds in any form of new order another form of subordination, that is, a super-structure, or does not even distinguish between the orders created by man in history and the order created by God, through the order of creation, as we see in the case of the family, which was created by God from the beginning, as such, when God made man, He also made woman, in order for them to be together and enjoy each other, multiplying the human race. It is on this distinction, between the order created by God, and the orders reconstructed by man in the spirit of God's orderliness, that sociology is founded.

³⁴ 1 Samuel, 12:19–20, NIV.

³⁵ 1 Samuel, 12:25, NIV.

II “COMMUNAL VILLAGES”, „GOOD SOCIETY” AND “DUAL SYSTEM”: THE ROMANIAN CASE

1. FROM COMMUNITARIAN / COVENANTAL CULTURE TO THE “DUAL SYSTEM”

When justice system and land property, its partitioning between family households, belong to the community that manages them without the intervention of any kind of external hierarchy and intrusion we may speak of a communal structure and organization. We say, in such situations that the community takes precedence over the political and military system, however complex it would be. It results then into a communitarian culture. Based on its communal structure, the community takes control of even economy. The communal organization and communitarian culture lasted unchanged for thousands of years, next and often under the layers of superimposed nomads, systems of dominations with their own taxing apparatus and military bodies. The burdensome states imposed by military occupation did not manage to destroy the old communitarian organization, so that the indigenous population continues to live in its own communitarian organization, which was that of the communal villages progressing toward the larger network of the Confederation of Communal Villages. They culminate in their first form of state organisation, the so called Voivodates. Stahl defines the communal social formation by the “family households association”, on the basis of a “shared territory”, in which the “community as such has rights prior to and above the rights of the comprising households”; these rights were controlled by a “governing body” called *obstie* (collective assembly).³⁶

Concomitant with the emergence of a hierarchical order in society, the buds of inequality appears themselves. The history of inequality, Livni argues, becomes intelligible as a progressive war escalation, waged against the genuine equalitarian society, that Israeli sociologist D. Elazar called “covenantal society”. What is odd at the process of the progressive escalation of inequality is that, in spite of the terrible force backing it historically; its vigour within certain societies and cultural areas appears to be rather weak, being marked by constant failures to enlarge over there. Such failures can be recorded within those types of societies called, as

³⁶ On the communal formations see H. H. Stahl, *Communal villages and “voivodal” formations*, in *Traditional Romanian Village Communities* (1977). Cambridge University Press, p. 24. (“Even in the province, during the high point of Roman domination, the slave or colonial latifundia existed only as an exception. It is true that the Roman domination created a flourishing urban life, imposing a general cultural influence that was decisive to the local population, without, however, being able to completely transform the villages, which remained as they had been: village communities of a deeply tribal character. After the Roman army left Dacia in 271, the cities fell into decay, drowned in the anonymous rural mass”). On very ancient social history and on this kind of formations see also: C. Daicoviciu, E. Petrovici, G. Ștefan, *La formation du peuple roumain et de sa langue*, Bibliotheca Historica Romaniae, *Etudes* series, no. 1, Bucharest, 1965. Also *Brève histoire de la Transylvanie*, Bibliotheca Historia Romaniae, *Monographies* series, no. 2, Bucharest, 1965.

already mentioned, communal societies. Their ideal type is provided by what Elazar called “covenant society”. “Elazar’s term of *covenantal society* relates to a particular *rankless*³⁷ societal model governed by a rule (covenant) rather than by a ruler.”³⁸

The roots of this type of society descend directly and deeply into Bible so that they can be looked for in the people of Bible, namely in the ancient Israel. Moreover, the scientist will discover this type of society also within some other areas, as in the ancient communal society within the Carpathian region of Romania. H. H. Stahl and N. Iorga have shown the ancient communal institution of “elders”, *i.e.* „good and old men” (*oamenii buni și bătrâni*), meaning those who were called to make justice based on the orally transmitted ancient wisdom and collective rule, Stahl used to explain this type of societal organization as one stemming from “that order based on the diffuse tradition”. This is a representative type of a society without ranks which is “governed by rule rather than by a ruler”. A ruler in such a society would have nothing to do, so that the hierarchy could not be born in such a community. I’d rather call it “communal society” or, by Elazar’s term, *covenantal society*.

The real power and resistance against the intrusion of that type of historical orders, based on hierarchy and on the authority of a ruler, come from the mechanism of communal order: the *diffuse tradition*. We may choose to call „communal society” such a type of order, and we shall notice that, as Stahl demonstrated in his researches, the communal type of society resisted long time to the historical arising of the hierarchical type of social organization (based on the authority of a ruler and its ruling elite). The history of inequality had to bypass such a rankless society, to develop externally, outside of it, so that we may find this non-hierarchical society evolving unbroken until the XXth century in rural Romania.

The study on inequality has a long tradition³⁹ but the study on the “non-hierarchical societies” has a short tradition rooted typologically in studies like the already mentioned Elazar’s ones on the covenantal society or, empirically, in the

³⁷ See J. Livni, *op. cit.* and Avraham Faust, “The Israelite Village: Cultural Conservatism and Technological Innovation,” *Tel Aviv* 32, no. 2 (2005). (Cited by Livni in the quoted chapter here, p. 1).

³⁸ See J. Livni, *op. cit.*: citations here are apud Livni from: Daniel J. Elazar and Stewart Cohen, *The Jewish Polity: Jewish Political Organization from Biblical Times to the Present*, (Bloomington, IN: Indiana University Press, 1985); Daniel J. Elazar, *Covenant and Polity in Biblical Israel* (New Brunswick, NJ: Transaction Publishers, 1998); Daniel Judah Elazar, “The Almost-Covenanted Polity” (paper presented at the Workshop in the covenant idea and the Jewish political tradition, Ramat Gan, Israel, 1982). (See reference note in Livni, c. w.)

³⁹ See some relevant references in Livni’s Introduction: *e.g.* Gary M. Feinman, “The Emergence of Inequality,” in *Foundations of Social Inequality* (Springer, 1995), 255, 56; Katherine I. Karen Wright, “Domestication and Inequality? Households, Corporate Groups and Food Processing Tools at Neolithic Çatalhöyük,” *Journal of Anthropological Archaeology*, 33 (2014); Benjamin P. Luley, “Equality, Inequality, and the Problem of “Elites” in Late Iron Age Eastern Languedoc (Mediterranean France), Ca. 400–125 B.C.,” *ibid.*, 41 (2016); Stephen A. Dueppen, “Reinventing Equality: The Archaeology of Kirikongo, Burkina Faso” (University of Michigan, 2008).

field-works like that of H. H. Stahl's on the communal society (ancient equalitarian village communities), in Romania and, historically, in Iorga's works on ancient institutions of those "good and old men" (*boni viri antiani* or *boni homines*) collectively assumed to be the most honest and righteous men within a free, non-hierarchical community. In Romanian "bătrân" (the oldest in a family or in the community) means not only the eldest (from the Latin *veteranus*) one, but also "forefather" (*moș*, a traco-illyric etymology), a sort of "patriarch", *i.e.* a genealogical predecessor.

A village is divided genealogically on more "forefathers" (*moși*) and their lands (*moșii*) a sort of genealogical estates. H. H. Stahl draws attention on the two totally different ways of feudalism penetration in rural local communities: the western type of feudalism based on the internal hierarchy of local communities (the first form of feudalism) and the Romanian type where the class of lords could exploit the peasants organized nevertheless in free, non-hierarchical village communities, *i.e.*, based on a system of internal non-hierarchical organization. The two component of such a society evolve totally parallel the only link between them being a tribute-based one in the form of fiscal dues in produce and labour. This type of social organization could be denoted as a dual societal system. Peculiarity of such a dual system consists in their contrastive evolution: while the first system, let call it the communal system, moves in a non-transformative, almost linearly and non-reflexive way, the other one, let's call it the hierarchical, un-equalitarian, reflexive, has a mirroring elite.⁴⁰

The hierarchical type and non-hierarchical one coexist next to each other. As Stahl showed, "the lords can exploit village communities without owning them, by the simple imposition of a tribute, according to a state fiscal system." (Stahl, 1977, 14)⁴¹ The only way of feudalisation by western type occurred, paradoxically, during the period of penetration of capitalism in the Romanian rural society beginning with the XIXth century. The two systems of societal organization, a hierarchical, un-equalitarian one and a non-hierarchical, one without ranks, co-existed and periodically have come into collision with each other. This historical path characterised by the *dual system* concluded into a second serfdom within the full capitalist age, but even then the free communal society continued to exist until nowadays. We are requested to explain the persistence of the communal society transcending the long cycles of inequality throughout history. Our hypothesis combines the two theories: Stahl's theory of a dual societal system and Elazar's theory of the covenantal origin of the free, rankless community. Our own hypothesis assumes the autochthonous theory of the "men's of land", that is, the men whose linkage with their property descends deeply up to the God's

⁴⁰ On the dual-system theory see: D. Kahneman (2011). *Thinking, fast and slow*. London: Allen Lane; and also A. Samson and B. Voyer (2012). Two minds, three ways: Dual system and process models in consumer psychology. *Academy of Marketing Science Review*, 2.

⁴¹ See H. H. Stahl (1977). *Traditional Romanian Village Communities*, Cambridge University Press.

distribution of the lands to humans within a God's covenant with them. "The Book of Genesis discovers us that God Himself made man to be the master of land and, following the consequences of the lapsatory moment, not only that God has not taken back from man the creational gifts but He, additionally, bestowed upon man a superadded ability, that of being able to work the land and to harvest its fruits in a way that is pleased to God, that is, by living and sharing everything justly, *i.e. straight*. The culture raised on this complex *system of orderliness* (recognised by the multitude as having a divine origin) is a basic *covenantal culture* and it stems from that very biblical moment disclosed by the *Book of Genesis* as a narration about the secret destiny of human being."⁴²

2. FREE VILLAGE AND COMMUNAL SOCIETY

The section surveys the organization of the society based on the diffuse tradition and on the Oral Law. Rural area preserved the sociological model of communitarian culture, which remained unchanged until the establishment of statehood⁴³ and after that moment, until XXth century. Free villages (*răzeși* and *moșneni*) still existed in the interwar world period when they were subjected to field research for a while of 20 years. The challenging aspect of this organizational pattern is its networking structure so that it could extend over large areas in the form of villages confederation so that information and goods circulated on this network basis.

The prototype of this archaic pattern was the local and extended genealogical structure. Large "family lineage" encompassed often the whole village and sometimes an entire surrounding village region. The genealogical character of villages' organization in Romania denotes the archaic pattern of communal villages in the area. In such a form of communal existence we encounter two traits: **1.** the inhabitants claim that "they formed a single large family lineage descended from a single ancestral hero believed to have been the founder of the village; **2.** they settled their patrimonial rights in the whole of the village territory according to a family genealogy, either memorized or written" (Stahl, 36). Regardless of their belief in the "myth" of the ancestral hero as a founder of the village, its genealogical structure is a prevailing one from the very beginning, although the myth of hero the founder merged later when "the original community begins to

⁴² I. Bădescu, *The Great Challenge. The faulty line between the modern society and the covenantal society*, in this book, p. 2 of the paper.

⁴³ For the Israel situation see Avraham Faust (2000). "The Rural Community in Ancient Israel During Iron Age I I," *Bulletin of the American Schools of Oriental Research*: 32, apud Livni, c. w., p. 12; and for the Romanian case see H. H. Stahl (1980). *Traditional Romanian village communities*, Cambridge University Press. ("Since free villages (*răzeși* and *moșneni*) still existed between the two world wars they could be subjected to field research, undertaken as monographs between 1925 and 1946 by the School of Sociology directed by my teacher, Professor Dimitrie Gusti").

decay and divides its property into unequal, hereditary parts, and then into private property.”⁴⁴

As a matter of fact, the genealogical pattern is not always the archaic founding structure of village but its function is nevertheless working even in non-genealogical villages as a “measure of hereditary rights to strip of land” (Stahl, 36). Moreover, there are villages where the genealogical type followed a non-genealogical one, so that village began as non-genealogical village. Therefore we need to understand the transition from one to another in order to make clear the traits of an originary communitarian culture and society. Hypothetically, we are tempted to locate a deeper structure we may invoke to understand such an originary structure. I am inclined to look for such a deeper structure at the level of the transformational network that helps us to observe not only the location of different types of villages but also to highlight their transition from one to another. Theoretically, communal villages could be defined by at least these traits: as a group of households, that are holders of a territory, maintain relations among them over a vast territory; share a package of the rules acknowledged by all and encompassed in what we may call the oral Law enforced by diffuse tradition and by the strict observance of representatives of the general assemblies⁴⁵ (in Romania, these representatives are denoted as the “old and good men”).

In those villages fallen under “the domination of a feudal lord, *the lord takes over, by force, the old rights of general assemblies* which, thus, lose their powers, even though the village remains ‘communal’.”⁴⁶ Only the market economy will provoke changes that undermine the communal organization of the villages. Let’s see first the internal organization of such a communal village and then we shall approach the way of transition from one type to another one in order to make clear the network structure that explain the process and also the conservative power of this type of organization and its role to provide the survival fitness not only to individuals and their households but also to the community itself, as a whole.

Anyway, the two types of societal order, one based on the enveloping hierarchical system (with a state apparatus destined to military functions and to tribute taxation) and the other one based on the general assemblies of community and, eventually, on the authority of “elders”, *i.e.*, “the old and good men”,

⁴⁴ Stahl, c. w., p. 35.

⁴⁵ On the incomplete definition see A. Tschuprow (1902). *Die Feldgemeinschaft, eine morphologische Untersuchung*, Strassburg, cited by Stahl in c. w., p. 36.

⁴⁶ Stahl, p. 36 (“Thus, although they are enserfed in the feudal manner, these villages remain communal as long as the common exploitation of the village territory is assured by the same primitive pastoral and agricultural techniques. This will remain the case as long as these communities do not make direct contact with a more developed market economy. In any case, the analysis of the village assemblies remains the keystone of the original system. Its breakdown begins the process of enserfment. For this it is useful to study its laws”).

continued to coexist until XXth century. Beneath such a co-evolutionary structure persist hidden conflicts and periodical clashes between the two societal systems.

3. COMMUNALISM VERSUS STATEHOOD: HOW TO RECONCILE THEM?

The concepts of “humanity” and “civilization” that defined the system as a whole were exclusively Eurocentric, argues C. Schmitt: “civilization” meant European civilization. Non-European space was considered to be uncivilized or half-civilized, leaderless, even empty. The belief in “European civilization” was essential to the whole structure of *Volkerrecht*, and was part and parcel of European consciousness.”⁴⁷ The challenging issue is that, as a matter of fact, social history testifies two evolutionary ways for the European civilization: one based on the passage from communal society to hierarchical order; the other one consisting in the dualist system, *i.e.* the persistence of a communal society without ranks, concomitant with the emergence of the hierarchical state order.

In Romanian area there was neither a feudal order like the western feudal system, nor even a slave state order, but a communal type of social organization parallel with a state hierarchical order. The only relationship between the two societal systems was a tribute-like one. All interpersonal issues within communal society (free villages) was solved based on the communal non-hierarchical, oral “institution” (“oral Law”) of what usually was called “*the good and old men*”, as an old judicial act testifies it: “Behold, coming Ion, our servant, with his woman and with their children, in front of us and our Moldavian boyars, of high and low ranks, presented in front of us a *zapis* (a testimonial file), as testimony from the *good and old men* (*oamenii buni și bătrâni*), namely: Ionașcu from the Fair of Suceava (*Târgul Sucevei*) and Ion Vulpe of Nelinești and Isaia from there too, and Vasile sin Captain also from there, witnessing that, in front of those good and old men, Gligore from Lipăiești, the brother of Constantin, the son of the Patroaia, sold, willingly, untold of no one, nor oppressed, and gave his share (*o jerie*) from the village of Lipăiești with the place of land and village and with all his income to...”.

Here it is the retrieved document: (Land title deed signed before Vasile Lupu ruler of Moldavia (1595–1661); note elders (*oameni buni și bătrâni*) are witnesses – T. Codrescu (1887). *Uricariul cuprinzător de hrisoave, anaforale și alte acte*. Tipografia Buciumului român)

⁴⁷ See Introduction by G. Ulmen to C. Schmitt’s book, *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum*.

Th. C.

Io Vasilie Vocevoada, cu mila lui D-zeu stăpănitor pământului Moldovei.

Eată că viind înaintea noastră și înaintea a lor noștri moldovinești boeri a mari și mici, sluga noastră Ionașco Dărman, cu femea lui Mărica și cu copiii lor, a arătat înaintea noastră un zăpis, ca mărturie de la **oameni buni** și bătrâni, anume: Ionașco Băzăceanul și Eremia Olăș de la Târgul Sucevei și Toader Boul de la Nelipești și Ionașco Boul, așijdere și Vasilie de la Bălșeani și Isaia tot de acolo și Vasilie sin Capitan, așijdere, cum înaintea lor a vândut Gligorie de la Lipăești fratele lui Costandi, fiul Pătrășcoaei, de a lui bună voe, de nime șilit, nici asuprit și a dat o jerie, partea lui de la satul Lipăești, cu parte de loc pământ și sat și cu tot venitul, ear

Figure 1.

The *good and old men*, as the representatives within community, judging on the basis of the oral Law, known and shared by all members of community, came to serve as a pattern even for the organization of the early form of state, called voivode-state, in its first stage of historical evolution. N. Iorga argues: “Voivode-Rulers had no court, and they were rounding, necessarily, in those first decades (of the century), only by advisers (*șfetnici*), dressed in Romanian (traditional) clothes, similar to elders called to peasant judgments”.⁴⁸

Such communities have existed as the oldest type of social organization forms and continued to exist and preserve their autonomy until nowadays. Moreover, the communal villages were organized in confederations of free villages to serve afterwards as the basis for early forms of state called Romanian principalities. On the other hand, beyond and distinct of them, there emerged from outside of these free communal confederations a reorganized type of hierarchical state after a pattern partly rooted in local traditions, partly from influences of those types of voluminous conquering states brought in the area by invading peoples finally settled next or around the natives (autochthonous communal society). As Iorga argues: “in the Romanian Country, the first boyars were necessarily foreigners, but in short time, those Greco-Slavs beneficiaries remained very few and they can barely be recognized among the others” (Iorga, IV). In a certain sense, they have come to be assimilated thus forming the local elite. In spite of such a statist impulse, there was preserved, beyond and linked to that hierarchical organization of society, a different, communal order and its communal power proved to be decisive even for the affirmation of a more comprehensive social

⁴⁸ cf. N. Iorga (1925). *Scrisori de boieri. Scrisori de Domni // Letters of boyars. Letters of Rulers*, Vălenii de Munte, p. III.

order. This non-hierarchical social order relies on the genealogy that goes up to its spiritual origin confirmed and strengthened in the form of a covenant which asks to the people to keep the observance of spiritual teachings sheltered and enhanced by that originary covenant and springing out of it.

When in the community begin to appear the signs of a tendency to a type of hierarchical order in which a "race" claims for itself a leading role, a dominant position, the rank of the leading elite, the different genealogical stocks collide. But, even in the midst of such a contest there survive an older type of community where people look at those who respect the covenant as to the "brothers and sisters". They are looked so and this order is communally shared and respected and taken for granted so that the genealogical contest and clashes are lacking or vanishes in such a society. The observance of communal rule is the access gate into such a group. The European civilization evolved in that way, *i.e.* by the progressive sharing of the same Judeo-Christian covenantal teachings on the part of all European peoples (nations). This covenantal evolution represented the co-evolutionary line of European civilization, *i.e.*, parallel to a progressive development of the hierarchical order (statehood order centred on the ruler and on the leading elite). The only difference is that in some societies, the Romanian one being included, the communal order, parallel with the statehood, survived as a distinct social order, *i.e.* rankless, leaderless, and internally non-hierarchical communal order up to XXth century.

A rank-based social order could not emerge within a communal society by its inner evolution but by external admixture due either to an external source, an occupation, *i.e.*, a war and domination effect and therefore to an act of external imposition, or to the reaction against such an external intrusion. "The boyar was the owner only in the margins (within the boundaries) of the Lord's reward for his comrades in the battle, his faithful in the expelling, for his lenders on the hard days. What could the Lord have given? Of course, that only what he had: first of all, his voivodship's rights to the free peasant land, *i.e.* the tithe, from which then, in time and by coercion, could be taken out greater rights, and then from the possession of his inheritance, on the confiscated patrimonies from cunning or traitors, and on the wilderness without owner.

The colonization, more and more stretched, as well as the ever-increasing confiscation in the fights for the seat of the aspirants, established finally, from the 15th century on, the bond between the beneficiaries and the great owner, and these processes made so to emerge a Romanian aristocracy: when the aristocracy lacked the power of the rank, she had the houses of the estate, with the tithe of the harvest, with the dominion of the pond, the forest, the mill and of the tavern, ***but never the right of judgment and punishment***".⁴⁹

Therefore, and I stress on the last statement in the citation from Iorga's book, the ruler (*voivode*) and his elite could get a lot of rights in society and over the

⁴⁹ N. Iorga (1928). *Letters of boyars. Letters of Rulers*, Vălenii de Munte, p. V.

communal society “*but never the right of judgment and punishment*”. This was the right of community itself and it was granted by the oral Law. As I have already mentioned, this type of societal organization relies on that sort of order based on the diffuse tradition. With a supplementary observation: the order has its root in the spiritual authority not in the tradition itself, that is, it is founded on the authority of divine covenant not on the authority of a given tradition. Otherwise it will be hard to explain its power of subsistence and of withstanding to the test of time. The relation between the two types of social structures could take over either the form of coexistence or the form of the conflict. This conflict was between the two social patterns: based on equality one and on inequality or hierarchy, the other. The inequality exerted pressure over equality, the communalism reacting against this intrusion of the principle of inequality. This fight could take the form of a Reconquista or of a boycott form, *i.e.* a rejection by unassuming and thus by total abandonment of the system itself. The problem of such a dual society was to solve this conflict, to harmonize the parts, to transfigure the confines into confluences *i.e.*, to reconcile the statehood (and hierarchical organization) with communalism (an equalitarian pattern).

On the basis of the covenantal society theory, exclusively, we shall come to understand the crucial emphasis on the autochthony, *i.e.* on the right over the communal land which is different from the ownership rights over a certain land property, as in the feudal western feudal Law of Lordship. Based on this theory we may comprehend specific phenomena as the struggle for the right over a territory called country and the inter-ethnic disputes on the territorial areas, as in Transylvania where the communal order was primordial up against any historical regulation (written Law) ensuing from an ulterior hierarchical organization of society imposed by occupation and/or by conquest. That is the source of the distinction between the autochthony, *i.e.* the covenantal / communal (communitarian) rights over a country land, and the historically evolved rights resulting from a historical secular act and embracing the form of the written Law. The autochthony is founded on the covenantal oral Law, and embraces the form of an imprescriptible communal right known by all people as a truth rooted in the ancient immemorial times (*in illud tempus*).

4. COMMUNITARIAN CULTURE AND EMERGING INEQUALITY: LIVNI'S ASSESSMENT METHOD

The free villages are the sample illustrating a more comprehending cradle of communal society. In 1864 the statistical data allows us to determine the number of totally free villages compared with the number of serf villages and mixed. We may apply the Livni's three-faceted hypothesis on the relation between the survival fitness provided by a cultural trait (in this case we are told about communal or free-villages trait).

Livni proposes the following equation to assess the "survival fitness provided by a certain trait" (as, in his example, the egalitarian view).

$$\dot{p}(x) = M\left(\frac{\partial^2 p}{\partial x^2}\right) + \alpha p(1-p)$$

In Stahl's socio-historical researches, the survival fitness provided by the communal trait refers to the communality itself, as a way of life and type of social organization. We may use the letter α to symbolize the survival fitness provided by communal trait, in our case, *i.e.*, what Stahl called free villages.

If $\alpha = 0$ then the communitarian culture and capitalist organization will coexist.

"The existence of these free village communities explains the particular forms that serfdom took in these regions and the special forms of serfdom explain, in turn, the particular ways in which capitalism made itself felt. A study of this social history is particularly apt in the Romanian provinces because nowhere in the Ponto-Baltic zone were the forms of village communities as recent or typical as in Romania, especially in Moldavia and Wallachia (which we will study almost exclusively). In these two Romanian provinces, the village communities were so alive that even in the mid twentieth century they could be found in large numbers and, in addition, many were still for free', *i.e.* they had never had a local lord." (Stahl, 8)

If $\alpha < 0$ then the equation predicts the extinction of the communitarian culture⁵⁰. The communal power of individual and of community itself will go down and the resistance against external influences will weaken itself so that the members of the group will be attracted to other models and the group will enter a disintegration cycle caused by the force of imitation. "The more negative the survival fitness of egalitarianism is, the faster will p reach zero."⁵¹

In Stahl's analysis, the free villages, as a trait of the communal society, is prevalent in the mountain area, where, the survival fitness of the alleged trait is higher than 0 (zero), *i.e.* $\alpha > 0$. Throughout highlands of the Romanian rural area there emerged progressively a new social system based on the exploitation not of "slaves or conquered peoples but free village communities, by purely fiscal means, and only acquired property rights over the land and inhabitants much later" (Stahl, 1977, p. 7). "A positive α means that in spite of surplus and land disputes, the communal system thrived."⁵²

⁵⁰ On the hypothesis see also Livni, q. w., manuscript.

⁵¹ Livni, q. w., p. 9.

⁵² Livni, q. ch. in his manuscript, p. 9: "This implies that in the highlands of the Land of Israel, the previous pastoralist existence of the settlers contained traditions compatible with a positive survival fitness."

In the case of mixed system and even that of the former serf villages the evolution of communities followed a “polymorphic way”. It is the case that Livni associated to the hypothesis of $\alpha = 0$, where free villages and serf villages, respectively, communal and capitalist traits will coexist. The communitarian culture and, therefore, the village communities survived until twentieth century which “was no longer the case in the rest of Eastern Europe”, as Stahl underlines.⁵³

In plain areas, on the contrary, prevailed the villages already fallen into a second type of serfdom, so that, the penetration of capitalism in that area stressed the serfdom, leading communal villages towards the second serfdom currently associated to Eastern Europe. Here it could be applied the hypothesis of $\alpha < 0$ (α negative).

Stahl got an overview of the situation on the basis of statistical data from 1864:

Hypothesis	Types of villages	number	percentage
$\alpha > 0$	free	1,710	19%
$\alpha < 0$	serf	5,822	64.8%
$\alpha = 0$	mixed	1,462	16.2%
	Total	8,999	100%

Figure 2. – Number and percentage of villages formerly free, serf or mixed.

Source: H. H. Stahl, c. w., p. 10.

The most powerful hypothesis regarding the evolutionary trend in Romania is the one of $\alpha = 0$, being that in the census of 1912 the number of villages with over 51% percentage of free population amount at about 70% from total number of mixed villages. In 70% of this type of villages the free population exceeds the number of the enserfed people so that we may conclude that the survival fitness provided by the communal trait is itself a prevailing one. The rural Law of 1864 has deepened the traits of the communitarian culture in the Romanian villages. In 1912 the rural population lived in 5,827 formerly serf villages and in 1,710 free villages, the number of mixed villages amounting at 1,462 villages. 1,020 mixed villages where lived by an “absolute majority of free peasants (69.8% of such villages).”⁵⁴

⁵³ Stahl, c. w., p. 7. See also: *Nerej, un village d'une région archaïque*, Monographie sociologique dirigée par H. H. Stahl (part of the monograph series on Romanian rural life, published by the Bibliothèque de Sociologie, Ethique et Politique under the guidance of D. Gusti), 3 volumes, Bucharest, 1939; ‘L’habitat humain et les formes de la vie sociale’, *Arhiva pentru știința și reforma socială*, Year XII, nos. 1–2; ‘L’organisation collective du village roumain’, *Arhiva pentru știința și reforma socială*, Year XIII; *Contribuții la studiul satelor devălmașe românești* (Contributions to the study of Romanian communal villages), 3 volumes, Bucharest, 1958–1965.

⁵⁴ Stahl, p. 11.

The challenging issue is that, by comparing two censuses of 1722⁵⁵ and 1912, Stahl concluded that in the last 200 years the number of free villages (those which had no lords) decreased in favour of a "trend toward enserfment of villages."⁵⁶ The most probable hypothesis is "that the free communal villages existed from the beginning of the state and that they were subjected over the course of history to a process of enserfment, which nevertheless did not succeed in enserfing all of them, even though the process began long ago."⁵⁷ There has emerged the challenge of inquiring the phenomenon of the free villages and of their survival until 20th century and beyond.

"This exceptional opportunity for learning the laws of these archaic forms of social life is also important for methodological reasons."⁵⁸ How they survived, here it is a troubling issue and to look for a response to such a question is contributory to an accurate knowledge of social and cultural evolution of society not only in the European area but also elsewhere.

We are requested firstly to examine the issue of the free villages in relation with the idea that such a social order is related to a special type of culture, that Elazar called covenantal culture and Stahl has chosen to call communitarian culture. Such a hypothesis is the only one allowing us to solve the issue of two opposed social types of villages within the same society and country: free and serf villages. By using the social map, Stahl highlights two completely distinct types of villages and zones:

"There are even 'zones without lords', where the free peasants make up the absolute total. On the other hand, there are also 'zones of serfdom', where free peasants do not exist or where, at most, they are but rare exceptions. And there are regions where free and serf villages co-exist. These diverse types of villages are sometimes so inter-mixed in the same geographical areas that any hypothesis of two civilizations confronting each other, giving birth to two distinct social histories, or of the decisive influence of geographic conditions, falls flat. The hypothesis of a difference in agricultural techniques could not be seriously considered either, for free and serf villages had the same agricultural level, the same economic occupations and the same work procedures, as we shall see."⁵⁹

⁵⁵ On the census of 1722 used by Stahl, see C. Giurescu, *Materiale pentru istoria Olteniei sub austriaci* (Materials on the history of Oltenia under the Austrians), volume II, Bucharest, 1909, p. 304–330, apud Stahl, c. w., p. 11.

⁵⁶ *Ibidem*.

⁵⁷ *Ibidem*.

⁵⁸ Stahl, q. w. p. 7. ("Without knowledge of the communities of recent times, interpreting the old act would be impossible. Moreover, Romanian historical documents are mainly those written by the boyar class and are about serf villages or those becoming enserfed. If one followed the method stating that 'nothing exists Outside the texts', then one might believe that the free villages did not even exist. In fact, some of our historians, believers in this method, do not hesitate to draw this conclusion. However, the free communal villages did exist".)

⁵⁹ Stahl, c. w., p. 12.

Therefore we need another hypothesis and Stahl biases to the idea of a unique culture underpinning different social organizations. As Stahl argues himself:

“We will then have to call upon other purely social circumstances to explain this phenomenon of the co-existence, in the same territories, in the same geographic and cultural conditions, of such contradictory social phenomena as those of the free and serf villages.”⁶⁰

So, the social phenomena are contradictory but the geographic and cultural conditions are the same. A cultural focused explanation appears to be preferable to any other hypothesis when looking for a response to the communal trait shared by the villagers from different villages, either free or serf villages. If we want to explain the differences between the plain area villages and highland area villages, the cultural explanation must take into account the factors which proved powerful enough to generate opposite social structures within a unique type of communitarian culture. Two aspects are remarkable: the fact that “the mass of free villages is found deep in the mountainous regions, the sub-Carpathian depressions and the hills where the earliest political States were born. This is proved by an act of 1247 and by the internal documents of the fourteenth century which indicate this as being the region where the state, properly called ‘the Romanian country’, also called ‘Muntenia’ (Land of the mountains), was founded.”⁶¹

The serfdom of villages in the Danubian plain can be explained by the conquering fight from the part of Tartar invasion upheld by the action of Carpathian boyars who “threw themselves against the Tartars to reconquer the Danubian plain, a region of mostly serf villages”, as Stahl mentions. For the paradox of encountering free villages where the state was born Stahl proposed his ingenious answer consisting in the what will become his theory of a distinct type of communal society that sociologist must adopt to give his answer to such a sociological apparent paradox.

5. FROM COMMUNAL SOCIETY TO STATE-SOCIETY

The Village confederation and the Voivode-state show that the voivode-like state (*Voivodates*) did not eradicate the pre-state communal society (upholding that “old habits die hard”).

“How was it possible, then, that the ‘free’ villages dominate at the moment when the state was born? This problem would be insoluble if one committed the error of believing that there was only one way to exploit an agrarian population: that known in the west, where the feudal lords were landowners, receiving as such the feudal dues in produce and labour. Actually lords can exploit village communities without owning them, by the simple imposition of a tribute, according

⁶⁰ *Ibidem*.

⁶¹ *Ibidem*, p. 13.

to a state fiscal system. Thus, the central head of the warrior class could command a repressive state fiscal apparatus and distribute the 'national revenue' – if one can call it such – to the members of the seigniorial class, / without owning the land, which continued as the patrimony of the / communal villages. A basis for the state could then be established by an ascendancy over the men without actual possession of the land."⁶²

Concluding, the communal society in Romanian areas preserved its egalitarian profile due to a mix of two factors: **1.** an almighty communitarian culture entrenched on the land the natives lived on since immemorial time; **2.** state's option (from the very moment it was born) of "exploiting the free villages by taxation" so that the land continued to be the "patrimony of the communal villages". The inequality as a societal pattern operated from the outside of the communal society (as a burdensome casing) and the relation between the social system hierarchically built and the egalitarian communal society took over the form of the simple imposition of a tribute.

The state evolved toward a "repressive state fiscal apparatus" outside of the local communal society. The two societal systems have coexisted laying so the foundation of a dual societal system. The social structures could be destroyed only if you had previously dismantled the communitarian culture which is not easy at all being that the old cultural pattern passed over into the written, literate culture, so that the communal village survived as a "village inside of idea" (within idea), as Stahl used to suggest half way ironically. More surprising is to find out that the free villages, covering large and long strips in the mountain regions, the sub-Carpathian depressions and the hills, *i.e.*, survived until XXth century, as Stahl proved by mapping the entire region, based on the census of 1912. And what is even more surprising is to discover that communitarian culture and social organization survived where the state was born so that the two societal systems, a communal, egalitarian one and a hierarchical, ruler-based another, coexisted within the same mountain region, as the map regarding the genesis of Romanian feudal state unveils. (Source: H. H. Stahl, *q. w.*, p. 14)

On the other hand, the Carpathian boyars threw themselves against Tartars in the plain Danubian region to reconquer the serf villages. This is another paradoxical aspect: the class of lords and free villages coexisted and supported each other. The Romanian case is but one example that allows us to speak of another face of the world where prevailed a totally different culture, a distinct evolutionary route when compared with the western path. On this side of the line and on the other side, besides and beyond, two different social worlds have evolved: one that preserved a type of communal, egalitarian culture and a non-hierarchical societal organization without ranks, and, beyond of the line, the other one, which has chosen a different way, towards a hierarchical, non-egalitarian

⁶² *Ibidem*, p. 14.

culture and rank-based social organization. In the hither part of the world (eastern one), the (communal) culture appears to have been stronger than the social system, while, beyond the line, the social system proved stronger than the communitarian culture and finally defeated it and so it was born over there what we call the “feudalism”. Don’t forget: the two sides of this world rooted in the same Judeo-Christian culture. The fact that the two worlds followed diverging social ways does not mean they separated spiritually each other. On the contrary: the Judeo-Christian fundamental of the European culture triumphed by the victory of the covenantal pattern in the process of constitutional building of all European societies.

Finally, even in Western area, the covenant society (and, therefore, communitarian culture) re-conquered the elites so that, the covenantal pattern has been generalized itself from bottom up and top-down over the entire new world built so on the cradle of covenantal culture. The new Christian era brought the triumph of covenantal culture, has generalized it as a mindset within the hierarchical society, putting thus the Judeo-Christian foundations for the whole Europe. Returning to the Romanian case, we hold over Stahl’s finding about the way in which the alternative social system of serf villages expanded in the geography dominated by free village pattern and, therefore, by the communitarian culture. It is an example of co-habitation of the two opposed societal system – a non-hierarchical, rankless one and a hierarchical, rank-based the other –within the same society.

Such a process was not carried out by the dislocation of the free villages, on the contrary. This pattern survived next the serf-villages pattern, so that, as *Figure 2* shows, the “serf villages cross the mass of free mountain villages, as if the feudal lords, at first exploiting the free villages by taxation, had then pushed forward, making their way through the villages along the valleys leading to the Danube, hurrying toward the plain reconquered from the nomads, where they were able to take full ownership of villages seriously depopulated by the series of wars. The lords then repopulated these villages by colonizing them with peasants who were enserfed by the mere fact of settling on conquered lands.”⁶³

The state building process has not dismantled the alternative social system based on the non-hierarchical, communal system, but, paradoxically, has strengthen it being that the lords and the Voivode relied on the free villages in a military purpose and as a source of income for transforming it into the financial support of wars and state military apparatus. Therefore, the way towards an alternative system, based on the coerced labor and serf villages, resulted almost exclusively from the military re-conquest of former conquered villages (by invaders, who had enserfed the former free villages by the effect of military occupation) and by “colonizing them with peasants who were enserfed by the mere fact of settling on (former) conquered lands.”⁶⁴

⁶³ Stahl, c. w., p. 14.

⁶⁴ *Ibidem*.

What is even more significant is that the system of free villages has organized itself in larger networking structures forming the so called quasi-autonomous "republics" some of them arising even near the center of the state, as it was the villages of *Câmpulung*, or, toward the south of Moldavia country where survived two other small "republic", that of Vrancea and of Tigheciu (Stahl, 15). Here, the pattern of state building is geographically reversed: the northern part of the country appeared to be the prevalent area of reconquest and of serfdom while the southern area was the free villages' area. The explanation is derived from the fact that the Moldavian state was formed by an act of reconquest from the Tartars executed by a group of Romanian warriors from Maramureş on the other side of the Carpathians, and not by local lords as in Wallachia. One can explain the nature of the serfdom in the villages of Northern Moldavia precisely by the effect of this reconquest and repopulation of a profoundly devastated zone."⁶⁵

The whole social history of Romanian society could be explained by the co-evolution of the two societal systems with a distinction for the Transylvanian country where, as Stahl underlined, "the Hungarians conquered all the Romanian villages. Two races were in conflict, the victorious race reducing to serfdom the vanquished one, leaving only a few free villages, for example, in the region of Făgăraş, which for a while was under the domination of the Wallachian State, and the military border zones where Maria Theresa and Joseph II later created the special Frontier's, Regiments."⁶⁶

We may understand why in this area, the clashes of the two systems took over a prevailing religious character and different judicial or legal acts and memoirs addressed to the emperor and the Court of Vienna adopted profoundly the covenantal spirit. The well-known Memorandum, *Supplex Libellus Valachorum* etc. are examples of covenantal-minded documents. Such a peculiarity could explain why in the South-Eastern Romanian Principalities the social uprisings are so infrequent while in Transylvania the social uprisings (peasantry revolts) are extraordinary frequent and so violent. We must hold over the fact that in Transylvania the societal organization was marked by the liquidation of the Romanian free villages system due to Hungarian conquest and peasants' enserfment while in Walachia and Moldavia prevailed other two forms of societal system both of them preserving the communal system until XXth century next the hierarchical system of the state which itself was influenced profoundly by the communitarian culture and relying on it whether it's taxation or direct military support by participating in the common army composed by free peasants with their own military equipment (lance and sword).

We must hold over, therefore, that in the three Romanian principalities followed three evolutionary lines (despite which, the three areas preserved their

⁶⁵ *Ibidem.*

⁶⁶ *Ibidem.*

unitary Romanian identity proving once more how important is the culture in the dynamic of history): in Transylvania almost all free communal villages have been enserfed by Hungarian warrior people while, in the other Romanian Principalities prevailed “two other forms created by the *reconquest* of the nomads, Wallachia’s being the work of a local class, Moldavia’s that of a class of Romanian warriors from Transylvania. If our hypothesis corresponds to reality, we should find the symptoms of these three types of social development, which, later on, in spite of their different origins, will slowly unify, tending toward the same final stage of belated capitalist penetration.”⁶⁷

6. VILLAGE BOUNDARY AS THE GRID OF COMMUNAL LANDSCAPE CULTURE

The landscape was originary the facet of the communitarian culture and it may be invoked as an “archaeological testament enabling one to reconstruct past stages of man’s social history.”⁶⁸ As a matter of fact, people have always spoken of the “eternal order of the fields.”⁶⁹

The geometry of rural landscape speaks about the most archaic and profound layer of social memory and the key-element of this memory is the straight line: “the territorial complexes of Romania are also formed by a series of long strips arranged parallel to each other” (Stahl, 16). This kind of memory is deeply encroached on the land so that such an arrangement worked as a method of communal thought and as a deepest layer of communal organization that explains the reproductive way of social evolution proper to the communal society. The social history memorizes three types of communal arrangements that are also three networking strategies of societal reproduction of this kind of communal organization. The first type is of the “communes under the same yoke” (*sate înjugate*); the second type is of the communes “related” (*însurărite*) and the third type is of the villages like “twin brothers” (*îngemănate*).⁷⁰

The three types of partitioning the territory cover a whole region witnessing so of the more profound layer of communitarian culture and type of social organization encroached on the land enhancing so the conscience of autochthony to the natives. It was as if the covenant and, therefore, covenantal society was written directly on the land and people have shown ready to die for the land. Of course

⁶⁷ *Ibidem*, p. 16.

⁶⁸ *Ibidem*, p. 16.

⁶⁹ See also Roland Maspétiol, *L'ordre éternel des champs*, Paris, 1946. On the same topic, H. H. Stahl cites also: Roger Dion, *Essai sur la formation du paysage rural français*, Paris, 1934; Gaston Roupnel, *Histoire de la campagne française*, Paris, 1932; Georges Lizerand, *Le régime rural de l'ancienne France*, Paris, 1942. (cf. H. H. Stahl, 16)

⁷⁰ Stahl, 16.

"this kind of partitioning of a whole region is not easily visible to the eye."⁷¹ Here it is in a schematic form the two types of village boundaries as a framing thought of drawing the rural communal landscape at a regional scale:

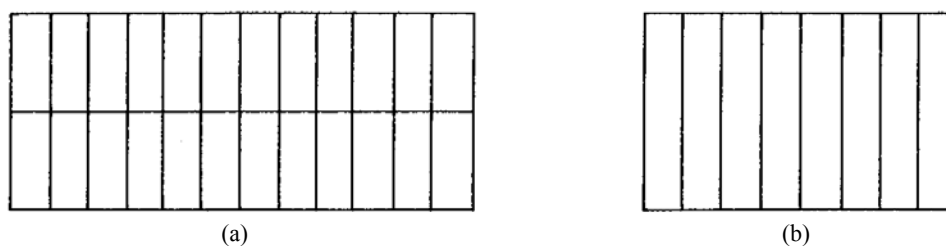


Figure 3 – Types of village boundaries: (a) the 'related' type; (b) the 'twin' type⁷².

Source: H. H. Stahl, q. w., p. 14.

This territorial grid working altogether as a system of territorial partitioning and as a social mind set has until now persisted in Romanian area so that we may conclude that the country is laid on grid villages, rivers' and hill's lines and therefore on a covenantal territorial memory encroached on land. Here it is below "an actual example of an area with 'twin' territories and 'round' ones; free, mixed, and serf villages co-exist in the region of the Jiu and Gilort valleys in central Oltenia", as Stahl mapped it.⁷³

This geometry of strips has been encompassed, as a distinct socio-territorial communal system, in the state, hierarchical type of societal organization imbedding so durably dual system in Romanian society composition. Studying the chronology of the communal village boundaries, which, as I have already mentioned, served as a pattern of territorial reproduction of the communal societal organization in a given territory, Stahl proved that the village boundaries have existed from "time immemorial if not forever". They, as a "vast operation of egalitarian inter-village

⁷¹ "Several remarks are in order here. It is hard to reproduce village boundaries on maps from the written description of the measurements found in the various documents. The peasant surveyors measured in 'lengths walking on the land', going over hills and through valleys in their own fashion without following the methods of modern surveying. There were no plumb lines and there was no way of sighting on a line with the horizon. Areas of equal size measured according to such 'lengths' can appear on a map as if they are unequal. It is just as important to note that measurement was not carried out on abstract surfaces but on real ones whose economic value was unequal. Land of inferior quality had to be compensated with grants of more land since a larger amount was needed to be considered equal to a smaller amount of better land. Also, surfaces were not measured as such. Only the three 'lines' were measured in order to determine the location of the 'corners' of the land." (Stahl, 17–18)

⁷² Stahl, 18.

⁷³ See Henri H. Stahl (1946). *Sociologia satului devălmaș românesc* (Sociology of communal Romanian village), Fundația Regele Mihai I, București, Contribuții la studiul satelor devălmașe românești, (Contribution to the study of Romanian communal villages, II) (three volumes edited between 1950 and 1965). See also, c. w., p. 18.

partitioning, are parts of an immemorial communitarian culture upon which the state itself has been constructed and remained definitely the foundational socio-territorial landscape of Romania. The clash between the two societal systems embraced therefore a form of territorial disputes and conflicts not only between individuals but also between social groups sharing different types of culture and/ or different ethnical belonging. As social memory is deeply encroached on land it might be rediscovered by generations, long run after the old memorizing people have passed away. I may call it *the memory of land* and it is an important part of the covenantal culture as the Country of the Holy Land has proved it. At the upper level this culture is fixed under the territorial designation that, on the same time, played the role of administrative organization.

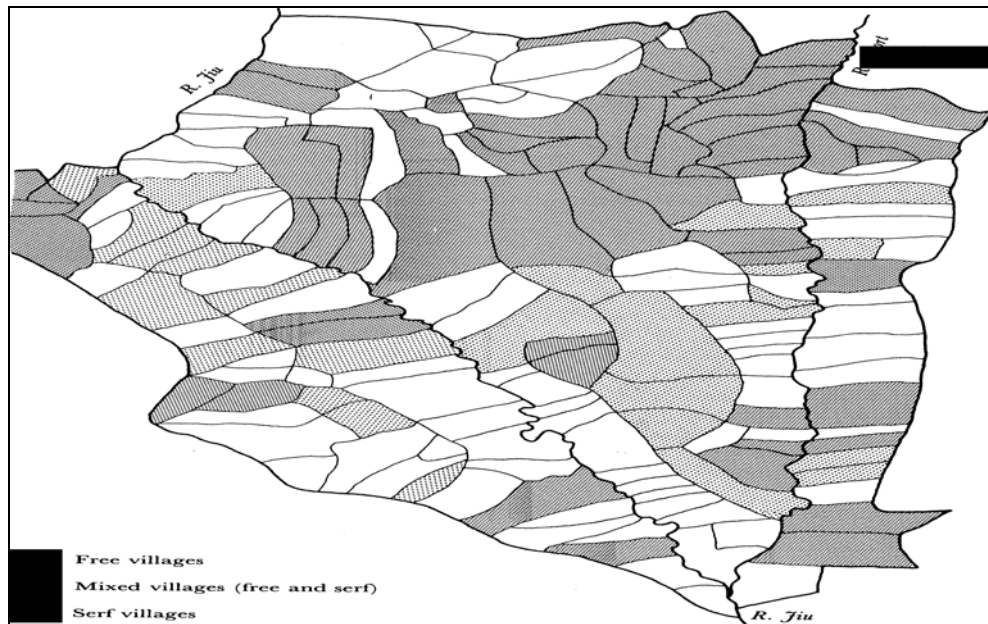


Figure 4 – Map of the region of the Jiu and Gilort valleys in central Oltenia with a communal landscape throughout an area with ‘twin’ territories and ‘round’ ones, where free, mixed, and serf villages co-exist.

Source: H. H. Stahl, c. w., p. 18.

“The village commune is organized by a double (dichotomic) rule: the commune is split in two, lengthwise, the two halves named ‘upper part’ and ‘lower part’. For a whole group of old villages in Moldavia, where the reconquest of the territory from the nomads was more recent than in Wallachia and where the local social forms kept a more archaic nature than in other provinces, the documents mention also the existence of two rather enigmatic people called *knez* and *judec*. In other regions inhabited by Romanians, these prove to be village chiefs. In those

villages with two *judeci*, the coupled halves of the village territory are designated by the term *judeci*. The names of the two *judeci* are sometimes used as geographic terms, based on their eponymous origin, while at the same time they are 'socionyms', that is, collective names for all those in one half of the village".⁷⁴

This system of social organization referring to the partitioning the land into village groups was kept in mind so that the village-minded thought and village pattern has been a profound layer of the communitarian culture and it is preserved as such until nowadays. The country itself is, therefore, founded on the villages and through them on the communitarian culture. The socio-territorial landscape has the meaning of the covenant; it is known and memorized as the most valuable covenant. Stahl's hypothesis is that such a memory could be dismantled after 3–5 generations. Probably, yes, but the memory of land and, therefore, the remembrance of the Promised Land lives in the covenantal memory for ever. This is another aspect which makes of the covenantal issue a permanent challenge for sociology and represents a facet of the actuality of such an approach. Its continuity is an imperative of sociology.

Therefore, "one must thus place this division into village communes before the birth of the state". (Stahl, 22) Of course, we may assume hypothesis of a moment when the memory of land itself will vanish in the sense that the land itself loses the encroached signs of the old times and, therefore, of the ancient communitarian culture. For instance, the organization based on the mound formations, arranged in a rigid geometrical pattern, might disappear being faded in time. But such an arrangement with a grid laid by the lines from a "central high mound, there is a whole line of lower mounds. Along this same line, on the map, one invariably finds other series of mounds, farther away and out of sight. These lines reveal a perfect knowledge of the terrain: they fit with the lines where streams separate land or where different geomorphic zones come together. (...) The peasants of today are perfectly aware of these things. They call the lines of mounds *măguri înșirate* (strung mounds) and the meeting point *crucea măgurilor* (cross of the mounds). And, even more importantly, these mounds still serve today, often enough, as reference points for the village communes, with the 4 corners of the communes coinciding with these mounds, as though the surveyors who measured out the village communes had taken these tribal triangles as their basis. It follows that at the time of the nomads, or just at the time of the reconquest of the territory

⁷⁴ Stahl, c. w., 22 ("All of the statistics and the texts of cited documents come from *Documente privind istoria României* (Documents relating to the history of Romania) published by the Romanian Academy, Bucharest, 1951–1960. This includes twelve volumes plus a two volume place-name index for Wallachia from 1247 to 1627 and ten volumes for Moldavia from 1384 to 1620. For later documents we have used the collection *Documente privind relațiile agrare în veacul al XVII-lea și XVIII-lea* (Documents relating to agrarian relations in the seventeenth and eighteenth centuries), Bucharest, 1961 and 1966", note from Stahl's citation in c. w., p. 22.

by the indigenous people, a local population already existed, which took over, by groups of villages, these tribal 4 cells left by the riders of the steppe.”⁷⁵

We shall hold over that the land in such an organizational pattern was partitioned equally between villages so that they were “equal in rights” and that “this division took place before the formation of the autochthonous state”. (Stahl, *ibidem*) Neither the Roman Empire nor any other state domination transformed totally the communal landscape and free communal villages continued to have and display a deeply communal character. “Not even the wave upon wave of invaders that swept across the region – Goths, Huns, Gepids, Avars, Slavs, Bulgars, Hungarians, Petchenegs, Cumans and Tartars – could ever wipe out the communal character of proto-Romanians areas.”⁷⁶

During all this period of invasions there survived the same networking communal organization based on the *cnezi* in each village “and on the confederations of villages under the leadership of a voivode”. It is only by assuming such an issue that we may answer the following question: “what were the forms of social organization that enabled the Romanians not only to survive in spite of the oppression of the migratory people, but also to evolve in such a way that there were, at the beginning of their written history, *Voivodates* and then ‘states’?”⁷⁷

The answer is one: the communal pattern of social organization based on the communal villages and on the regional networks called confederations of villages wherefrom stemmed out Voivodates and then states enabled the Romanians to survive and also to evolve throughout history until nowadays.⁷⁸ In the present time we assist to the most terrible collision of the two opposite societal and cultural systems sliding into a final battle between them, equating with a confrontation between the equality and inequality, between the covenantal pattern and artificial orderliness, imposed by a different, in-egalitarian societal system.

7. CULTURAL COMMUNITARISM AND HISTORICAL CHANGE

In Romanian culture there is a saying (a proverb): “*de la lume adunate și ‘napoi la lume date’*” (“*From people collected, to people returned*”). This proverb speaks about the way a communitarian culture functions. H. H. Stahl called such a type of order, based on the sharing of cultural traits by the members of a

⁷⁵ Stahl, c. w., p. 23.

⁷⁶ *Ibidem*.

⁷⁷ Stahl c. w., p. 25.

⁷⁸ *Ibidem* (“The old blood ties, real or fictitious, which held the tribes together, were replaced by the ties of neighbourhood. Spatial proximity replaced kinship as the main basis of social cohesion. This evolution was slow. Villages that were formerly a part of the tribe remained under a confederate authority which comprised a whole region. This tribal authority, having undertaken the work of partitioning the land which led to the territorialisation of villages, continued to safeguard the larger group. It thus fulfilled the duties of a quasi-state: to defend the area and settle disputes between villages.”)

communitarian culture, the "order through diffuse tradition". This type of culture involves a permanent circulation of cultural traits from the communal group to individuals and back from them to the entire group, in the form of the bivalent assumption: individual and collective.

What is common to all is to me and vice versa, but by sharing, so that the individualisation is not excluded, only that it is transparent and instantly assimilable. "The shared traits constitute a *communitarian culture*;⁷⁹ its destruction leads to the disappearance of the collectivity explaining why communities don't hop models."⁸⁰ What stems from here is the idea that the power of a community does not equate with ability to produce changes, but with the ability to eliminate them or, if someone from the outside has introduced some valuable changes, then, the community power can be attested by its capacity to assimilate them.

Therefore, the power in the covenantal society equates with the capacity of refraining from any change, of not hopping between its own model and the alien one, from the traditional local model to a completely different one. The collision between religious congregations is an example of refusal to hop models, as Livni argues. "A functional community resists the innovation because it threatens its quasi-equilibrium". (Livni, 6) The covenantal communitarian culture (i.e. society) "resists any forced alteration" and it fights against anyone who tries to affect the way of life based on such a culture. It is legitimate to inquire about the outcome of such a conflict, through general approach⁸¹ and by case studies as that about the village communities in Romania. The Biblical case of arising royalty in a covenantal society is a universal example of how such a phenomenon is occurring and on what happens to a covenantal / communal society in such a transition from one type of organization to another. Does it take place, in this case, a hop from one model to another, the opposite, or the new organization is adopted by still preserving the original model? Livni's finding is that the covenant in its form of the dialogue between God and "every member of the faith" is a recurrent one, *i.e.*, it is occurring generationally, to each subsequent generation. "The "you" in the "Lord spoke to you" does not refer only to the generation of the Exodus but also to every subsequent generation. (Deut., 5.3) This model of direct interaction between each faithful and divinity is recurring. (e.g. Exodus, 20:18, 20:22, Deut., 4.33)"⁸²

The calendars, oral and written, themselves, stand apart as to the definition of the over-year traditional feasts that the village respects in the whole rural area: the oral (popular) calendar assumed the religious feasts; the written does not assume the popular (ethnographical) feasts. The oral (ethnographic) calendar is more comprehensive than the official, written one. Communal village people "read" in

⁷⁹ Menachem Topel in *The Communal Idea in the 21st Century* (2012)., ed. E. Ben-Rafael, Y. Oved, and M. Topel, Leiden-Boston: Brill, p. 208.

⁸⁰ Livni, *op. cit.*, p. 6.

⁸¹ *Ibidem.*

⁸² *Ibidem*, p. 7.

the written calendar events, feasts signs and symbols which are not written in that calendar. And this was because the people of communitarian culture knew to adjust them.

The communitarian culture is based on a system of signs, communally memorized and shared, largely distributed at all levels of existence. As Paul Anghel argues: “You can, of course, identify signs of general use, the sign of the sun and the moon, the Christian signs, the signs of the Gromovnice⁸³ and Trepetnice⁸⁴, of the cosmic or of the human organism symptomatology, and below, on a Scale, all signs of existence and, therefore, the prescriptions and prohibitions that have been codified in a certain way.”⁸⁵

People of such a culture use a sign-language to communicate with each other and to memorize the structure of the world. “In their practical relationships people manufacture their own signs – signs of notch, hierarchical signs and signs of possession – and the community respect them, without questioning from who they emanate. We will draw the conclusion that the sign is opaque for the rest of the world and bright for the one who uses it. The important thing is, in all cases, to respect the sign as such, the sign of the neighbour, the sign of another community, the dress sign, the sign of the boundary, the customary sign, even the sign of the devil, for the organization of the world to remain in accord with itself. Therefore, you have to defend the sign.”⁸⁶

In the oral calendar time measures are different so that the way of insertion in the flow of time is rather a qualitative one. Time measures are: “As you would blink”, “for how you bake an egg”, “for how long you fly up to the Sun”, “as long as a human life”, (in Romanian: *cât ai clipi, cât ai coace un ou, cât ai zbura pân’ la Soare, cât o viață de om* etc.), therefore, they are so concrete, as meteorology and the movements of the celestial bodies are concrete, reported to man and to its world: “by the snow of the lambs”, “by the lunch of the calves”, “by the Tuesday of the Lightning”, “by the green Thursday”, “by the sting of the moon...” (*de zăpada mieilor, pe prânzul vițelilor, de marțea trăznetelor, de joia verde, de pișcatul lunii...*).⁸⁷

The calendar is the densest spiritual concentration of cultural signs, names and symbols, thresholds and cycles. It is by itself a sort of condensed oral library, because beneath any name of a day or of a feast a huge amount of rituals and

⁸³ Folk Book of astrological character, which includes predictions of human fate and weather (According to the definition given in the *DEX*, i.e. the Explanatory Dictionary of the Romanian Language).

⁸⁴ Popular book that includes predictions made on the basis of involuntary, seizures movements that the eyelids and lips sometimes have (According to the explanation in the *DEX*).

⁸⁵ Paul Anghel, c. w., p. 112.

⁸⁶ Cf. Paul Anghel, q. w., p. 112. A comprehensive treatment of the issue of the sign, in the legal customary, in Romulus Vulcănescu, *Etnologia juridică (Legal Ethnology)*, Bucharest, Editura Academiei Române, 1970, *Semnele juridice populare* (chapter: *Popular Legal Signs*), p. 117–161.

⁸⁷ *Ibidem*.

ceremonies, prescriptions and prohibitions are treasured, suggesting an extraordinary communal memory. "We will not stop on those who have been laicized in the fairy tale – dragons, huge anacondas, Mother-of-forest, and so on – nor on the Saints in the Christian calendar (all with magical functions), but we will grasp the good and bad deities of the great magic primitive pantheon. The things we spoke about, but behold their secret name: The Fairies, the Saints, the Saints of Night, the Whispers, the Beauties, the Beloved, The Themselves, the Ladies, the Virgins, the Mercifully, the Empress, the Mighty, the Goddess, as the name with collective value (in Romanian: Zânele, Sfintele, Sfintele de noapte, Frumoasele, Mândrele, Dânsule, Doamnele, Iezmele, Fecioarele, Milostivele, Miluitele, Împărătesele, Puternicele, Zeițele, Șoimanele, Măiestrele)." ⁸⁸

The days get extremely rich meanings and the oral calendar is like a memoriser of them all and they are transmitted through the oral diffuse tradition, meaning by oral memory, so that, man of the communal culture has always super-added over the written calendar, a parallel time, a parallel realm.

"Taking an example, we will notice that the days of the week, or the holy days evoke the concrete image of some women. If the moon or sun has a diffuse portrait, the temporal realities that are the days are perfectly incarnate. When someone escapes a misfortune <a day has been made for him>."

The days are directly responsible for the life and activity of the people; they are good-fated or ill-omened, insofar as the prescriptions are respected or violated. Moreover, they have personality, sympathies and intolerances. So, on Mondays, do not sew, do not sweep, do not remove the trash from the house, do not bring land for soldering and do not take eggs from the nest. On Tuesdays do not start on the road, do not start various actions (although some are forbidden on Mondays!), do not spin "lest the Marțolea comes", the vengeful deity, a kind of foolish and crazy one, who "spoils the work of women, poke them with the spindle, even kill them", collaborating with bad guard (*piaza rea*) and *bad watch*. On Wednesdays, no wool is scratched, no flocks, no leach is made, no salt is powdered, nothing is given from the house, the patron of the day being a pure saint, who claims to abstain from any temptation. Thursday is a day free for any activity, and Joimita is the deity of this great day, the woman worthy and fierce, with the mission to supervise the spinning of the hemp and punish lazy women. Friday is the most holy day, she is old and anchorite, a kind of pure grandmother, who helps clean people up to the extent that they respect her counsel with innocence. Like Saturday, it is a good-fated day, when the dragons cannot hurt either, because they cannot walk anymore, as they would get crippled. Sunday is the greatest day, respect for her is absolute. The Three holy days, Holy Wednesday, Holy Friday and Holy Sunday, dominate the week. Of course, prescriptions and prohibitions are contradictory, often cancelling each other; the magical calendar is the most confusing calendar possible." ⁸⁹

⁸⁸ *Ibidem*.

⁸⁹ *Ibidem*.

The task of communal culture is therefore extremely difficult being that it has to synchronize different qualitatively calendars so that, while the common behaviour is ordered on the basis of the *oral calendar* to also comply with the prescription of the written calendar. The names of the days possess magical powers so that the time is empowered with different predispositions from one day to the next. "To know how to name exactly, to know all the names under which a deity manifests itself means to get access to her powers, to use them or to neutralise them."⁹⁰

The moments of oral calendar matched the successions of seasons so strict that when the reform of calendar was decided (the transition from the Julian to Gregorian calendar) the beat of activities did not matched any more the periodical manifestations in the natural environment. Here are some reactions after changing the calendar: "The old style is the good one: the trees still based on the old style come into leaf and into bloom and after the new will not"; "there was St. Elijah (new style) and apples did not bake; but on the old style they will be (will bake)". "And this is because time goes on after the old style". "It will be St. Nicholas tomorrow, but you will eat baked corn? All things are settled, with more righteousness, upon the old style."⁹¹

Year after year different manifestations in the world of nature occurred on approximately the same date. The man of the communitarian culture had projected on the written calendar the "name and the day" just because they were in possession of the previously more comprehensive oral, therefore, communal calendar. At the date of adopting the Julian calendar they held the reconciliation method to eliminate the risk of discrepancies between the two calendars. When the new Gregorian calendar was adopted, the discrepancies between solar succession of seasons, between written calendar and oral calendar had already and again emerged. The comprehensive power of the oral calendar and its universal share over a vast area, along with a social order based on the diffuse tradition and utilization of the same system of land measuring, the same pastoral and agricultural techniques, partially explain the survival fitness provided by the communitarian culture and, therefore, its triumph over the historical time.

Through the oral calendar the whole community takes part to cosmic frames⁹² like the life cycles or the phases of Moon etc. so that different human events receive cosmogonic explanations. The wedding, for instance, is framed cosmically

⁹⁰ *Ibidem*.

⁹¹ Ion Ghinoiu (2017). *Calendarul țăranului român. Zile și mituri (The Calendar of the Romanian Peasant. Days and Myths)*, Bucharest, Univers Enciclopedic, p. 11; see also, R. Heinberg (1993). *Celebrate the Solstice: Honoring the Earth's Seasonal Rhythms through Festival and Ceremony*, Quest Books.

⁹² See Tudor Pamfilie (1915). *Cerul și podoabele lui (The sky and his adornments)*, Bucharest, Socec, p. 2–15 and I. Otescu (1907). *Credințele țăranului român despre cer și stele (Romanian Peasant's beliefs about heaven and stars)*, Bucharest, Analele A. R., Tom XXIX, p. 44–60.

and liturgically, as in a mythic and religious scenarios and everything in the communal life of villages is part of a profound synergism.⁹³

In a Bukovina legend (a) it is stated that "The sun and the moon, not having heaven, walked on the Earth", among the people. So people lived with the heavenly, celestial bodies on a perpetual day, in an equal regime of light, which represents not only a cosmogonic novelty, but also a support of the subsequent intimacy between people and the stars."⁹⁴ The issue is that the *egalitarians* (the communal people) had a highly comprehensive way of life, very rich in mysterious meanings and anagogical interpretations. If you wish to transform such a communal society you have to deconstruct and dismantle a dense and harmonized culture, starting, obviously, with the system of beliefs centred on the profound feeling that one's way of living and behaving is in deep accordance with God's will and ordinance. To succeed in such a deconstructive process you have to secularize firstly this world, to empty the universe of the divine, to remove the divinity from the soul and from the everyday life of the people. To fulfil such a task you need to transform firstly the elite and so to create an ample room for disagreement between the elite and the communitarian culture and society.

Such a task has been accomplished hardly and with reduced effects and extremely late so that in the XXth century the traditional type of culture was still in full power and had deeply conquered the high culture, what allowed literary critic Eugen Lovinescu to speak about the faulty line and, therefore, structural clash between culture and society, between what he used to call the reactionary rural-minded literature and modern urban-minded society. As a matter of fact, this was the surface expression of a deep conflict between "egalitarians and elitists", as Livni denoted it in his chapter. The two components of the dual society were diverging on most aspects of social life and they have not reconciled to each other even until now. That is one of the facets of what we may call the Eastern challenging issue, and this disagreement has not been yet eradicated nowhere in the East.

8. THE "NOVEL OF SOL" AND THE X-FACTOR OF THE COMMUNALIST MIND

The study of the communitarian culture includes the research of the mental system the man belonging to this culture operates with. This system is reflected in the myths and legends of this culture. These narrative frames work as a mirror of reality by giving us the access key to a deeper social order. Let us consider an example: if A is the forest, B is the animal, and C is a man whoever, we shall find out that in their mental and experiential combination a factor X interferes, over-adding to those elements a new meaning, the value of a model, *i.e.*, the power to

⁹³ See E. N. Voronca (1903). *Datinile și credințele poporului român (The traditions and beliefs of the Romanian people)*, Cernăuți.

⁹⁴ See Paul Anghel, c. w. manuscript, and E. N. Voronca, *op. cit.*, p. 28, cited by Paul Anghel in c. w.

mediate the people's participation to a higher unity. This factor is transmitted by the vehicle of tradition but has its root in the primordial cosmogonic scenario, meaning the divine way of doing things in illo tempore, so that we can say: "That's how God did it. Let's do as God has done". In each thing is the call of God to respect his will and order he has established by his creation.

Any of the peoples who live in the communal society seeks in each thing something like its divine reason and strives to repeat by fulfilling it into a model, a pattern. Such men are lingering after models as the only proof that by following a certain model they fulfil God's will. This is like an unwritten covenant with God, as if God has planted in each thing ways of doing and behaving that God calls humans to naturally respect. To live in a communal society equates with sharing a way of life we may call the communal strategy of life and so we can understand the odd fact that this way of living can survive in time, as if it had a special power to subsist, to last indefinitely. Such a strategy of life "stems from the direct, immediate, human's rapport with external forces, from the fact that the demarcations and hierarchies were not yet visible organized, neither within the society nor in nature, so that God Himself walks, travels here in the world, among men, mixing with them. The community of the communal horizon is the *centre of Existence*, the *Centre of the world*, and its horizon extends to the sky. The last visible borders are the stars. Blaga is right: 'The Village integrates itself into a cosmic destiny, in a totalitarian movement of life, beyond whose horizon there is nothing.' The sacrament mixes with the profane, the celestial with the terrestrial, the real with the unreal, without any of the elements separating from the actual, understood as what is existing."⁹⁵

In the analysis I carried out on Paul Anghel's book dealing with the magic model in folklore I have fixed some traits of communitarian culture that I will resume here by excerpting some citations from various popular legends and from my own analysis.

In the era of communitarian culture the popular narrator shares the same vision with that existing in the *Book of Genesis*.⁹⁶ Here is an example offered by a legend from Dolj County: "the sky was very close to the Earth; but the man is careless by his nature, so he did not heed this godly goodness, because there was not little thing to man to have God around him, that he might ask his counsel as from a good father, whenever he needed" (apud ibidem).⁹⁷ And here is another example from a legend of Valcea County: "Before the time, the sky was near to the ground, so that you reached out to it when you were climbing on a stray, and God,

⁹⁵ Paul Anghel, *The Magic Pattern*, manuscript.

⁹⁶ On a comparative analysis of Jewish and Romanian cultures (Biblical themes and folklore included in analysis) see Madalina Mandita (2017). *Compared noology of Jewish and Romanian peoples: a sociology of communities*, Aachen: Shaker Verlag.

⁹⁷ The legends cited here are from Tudor Pamfilie, *op. cit.*, p. 2–15 and from I. Otescu, *op. cit.*, p. 44–60 (apud ibidem.)

with the saints, whenever they wanted, they came up and descended because they often walked on earth." "Not having heaven, the Sun and the moon walked on Earth"⁹⁸ among men. "Therefore, people lived with the heavenly bodies on a perpetual day, an equal regime of light, which is not only a cosmogonic novelty, but also a support of the subsequent intimacy between people and the stars, as we will see. We are not spoken of by death yet; the world seems to be a *sui generis* paradise, in which human and cosmic hold out in the eternal". (Anghel, 189)

As I concluded: "Paul Anghel's analysis shows a total match between this popular vision and the *Book of Genesis*, due to revelation and transmitted to mankind through Moses. Indeed, we learn from the *Book of Genesis*, "in the beginning God made the heavens and the earth. And the earth was untraced and empty (in Septuagint: "invisible and unfinished"). St. Basil records that "the heavens and the earth were of equal rank (honour)" and both "incomplete", and St. Ambrosie added, referring to the same issue: "Scripture stresses that things were first created and then put in order". And then God made the light: "And God said, let there be light; and it was light." "And God saw that light was good."

The settlement of man in the garden of Heaven is precisely the expression of the undivided world, and only sin brings to the separation, a very suggestive thing formulated in folklore, where the one who sins brings "The Rise of Heaven", the extraordinary revelatory metaphor for the banishment from heaven (and again, the evidence collected by Paul Anghel is enlightening, as illustrated below)."⁹⁹ "In the Legend of Valcea, an old aunt, <neither one nor two, throws away with muddiness in God>. The consequence is the same <if he has seen so God, that men neither heaven can keep it clean, he lifted it higher>. Or: <As punishment for the human race, (God) magnified the sky and lifted it up, up, where it is today with the moon with everything...>¹⁰⁰ "And, as in the *Book of Genesis*, the sun and the moon had the rank of simple things of the earth, bathed in the light that was not owed to them. The popular narrator knew as Moses himself in the *Book of Genesis*, so, by means of the intercession of Revelation toward Moses, transmitted to the anonymous narrator through mysterious channels, that the regime of light is not due to the sun, neither to the Moon, but to God directly, the first stage of creation, when the day and the night were not yet put apart from each other, and the evening still did not exist, because God made firstly the light and then separated the "light of darkness and called the Light Day and the darkness called him Night", "and it was evening and it was morning: first day." (Genesis, I, 1–5). The disturbing thing, referred to by Paul Anghel, refers to the distinction that the popular narrator knew to do, also based on the knowledge revealed, between the orderliness of things and their separation, as that of sky from earth, which do not hold to the orderliness of

⁹⁸ E. N. Voronca, *op. cit.*, p. 28. (apud P. Anghel, *op. cit.*, p. 189).

⁹⁹ Ilie Bădescu (2018). *Paul Anghel – the Genial Wallach. The Eight Worlds of the Romanian Literature*, Bucharest, Walachia Press.

¹⁰⁰ P. Anghel, *ibidem*.

creation but to the consequences that human sin provokes in the orderliness of Creation.”¹⁰¹ “If God thus saw that men nor the heavens could keep him clean, he lifted him up” (apud P. Anghel, *ibidem*).

The communitarian culture is backed on three pillars: 1) the cosmogonic vision on the existence which is totally related to the biblical vision, and works as a mental mechanism, so that the people of communitarian culture see in everything a divine ordinance; 2) the cosmic vision that provided Proto-Romanians a standard time unit that helped people to see, in any events, in the happenings of the everyday life, a divine metric and to use it as a measure in all those around him and his daily life. When somebody abates from this divine metric, the community supervenes directly, through diffuse tradition or by means of the “old and good men”, communal institutions, in order to set matters straight.

We may consider such a supervening as the root of restorative justice system. If someone was caught stealing, he was walked in front of the community, being determined to parade up and down, on the streets of the village to be seen by everybody. If he stole a hen he would wear the stolen thing hanging around his body like a belt so that the people could see that he was a chicken thief. This communal supervening meant to restore the divine orderliness of life when someone had harmed it has its source in what people knew: that God himself made when humans defaced the divine orderliness, as the legend says itself through the mythical communal memory. Here it is an example of such a legend known and upheld narratively by common people in Vâlcea County: “If God so saw, that neither men nor the heavens could keep him clean, he lifted him up.” Or: “As the punishment of the human race, (God) magnified the sky and lifted it up, up, where it is today with the moon with all...” Or: “God was terribly angry (with fire) and has so far removed the sky from earth that not incidentally we say: far as the sky of the Earth.” Or: “God fled with heaven all up; and now he sits backwards with his back to us...”¹⁰²

These are conclusions of the cases A, B, C and D that exemplify different ways in which people defaced divine orderliness of the existence. “According to Mircea Eliade, this “retreat in heaven”, this “removal of God”, a theme with a capital role in the Romanian religious folklore, signifies the disengagement of the Creator towards the evil in the world and the sinful world. The people of communal society dissociates themselves from such a defacing because God has done the same, and even applied the ultimate punishment: He has withdrawn from the world, and if man does not turn things, that is, he does not bring them to the divine orderliness, then God will leave him. The same is the denouement in the book of the Old Testament; 3) communal society makes use also of the weekly feasts and of the cyclical feasts as the seasons or yearly feasts are, moments when

¹⁰¹ *Ibidem*.

¹⁰² See P. Anghel, c. w, mss. The examples are taken from E. N. Voronca, *op. cit.*, Tudor Pamfilie, *op. cit.*, p. 2–15 and from I. Otescu, *op. cit.*, p. 44–60.

people cast their minds back over the traditions and refresh the memory of the divine orderliness of the world.

There are many arguments to conclude on the Judeo-Christian profile of the Romanian communitarian culture, which appears to be, properly, the cradle of the Romanian people. In his study, Paul Anghel shares the idea of a difference between the folklore's popular vision and Biblical vision. As a matter of fact, in folklore, the mythic theme of *Deus otiosus*, of a God leaving the world, retreating from it, has the regime of a revelatory metaphor suggesting mythically but the idea of God's disengagement towards evil and sinful humanity, as Mircea Eliade himself has noticed, and this vision is in total accordance with the Judeo-Christian view (as it was transmitted by Moses) from the *Book of Genesis*. On the other hand, the wording of "the exculpating of God", which appears in folklore through the theme of the Divine reaction to the defacing act of man, noticed as such by Paul Anghel, clearly has a metaphorical meaning, suggesting that the popular narrator did not understand to bind the imperfections of the world to the Creative act of God. In the popular vision those imperfections are not due to the Creator, but to His creature. From this there stems the obsessive concern of the popular narrator on the matter that Paul Anghel frames thematically and metaphorically in the theme of "Creator's discharging" for the imperfections of the world.

The world was created in unaltered light, but it was deformed by the sin of man, the evil of sin committed by man himself. This new orderliness of existence, after God has removed the sky from the Earth, is the second order in which the responsibility of man increases up to the assumption of justice on human account. Such a new task that God sets on the human role embraced the form of the covenant: "If you respect my ordinance, saith the Lord, you will be well. If not, my punishment will fall upon you, because I'll leave you and you'll miss my help when you're in trouble". The vision is the same with the one of Moses Law Tables. The two visions are alike and, as a matter of fact, they are noologically one.

LE PROBLÈME PUBLIC DE LA MIGRATION DANS L'ESPACE
MÉDIATIQUE ROUMAIN: CAMPAGNES DE PRESSE INTERACTIVES

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ABSTRACT

THE PUBLIC PROBLEM OF MIGRATION IN THE ROMANIAN MEDIA SPACE:
INTERACTIVE PRESS CAMPAIGNS

The article addresses the problem of migration in the public sphere in Romania, as a sending country, taking into account the campaign “*Why do you come over?*” initiated by the online press in response to debates on migration in the countries of destination. Considering the dynamics of the media discourse on migration as a public problem, this research uses a semiotic-discursive analysis framework and elements from the critical discourse analysis to highlight the construction of this campaign as a media dispositive for mobilizing and engaging the public as a co-author of the campaign. Analytically, the authors discuss the concept of discourse and, correspondingly, of counter-discourse and, on this basis, reveal several socio-communicative features of this media dispositive, first of all, its ludic, identitarian and citizenship dimensions. From this point of view, the study demonstrates how the media establish a transnational power relations field regarding the problem of migration through emerging practices of mobilization of the public.

Keywords: migration, discourse, counter-discourse, media and public sphere, public problem.

INTRODUCTION

La migration circulaire s'impose comme un thème de débat dans l'espace public roumain surtout après l'adhésion de la Roumanie à l'Union européenne en

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2007. Depuis, les médias roumains se sont constamment focalisés sur la situation des Roumains allant travailler dans les pays européens pour des périodes plus ou moins déterminées tout en effectuant des allers-retours répétés entre pays de destination et pays d'origine. Ce type de migration économique pratiquée par ce que les médias ont nommé « la nouvelle diaspora » est incorporé dans de multiples logiques d'instrumentalisation, principalement à travers des discours politiques et médiatiques sur l'image du pays d'origine dans l'espace européen. Une pratique récurrente au niveau des médias roumains est de distinguer entre des catégories de migrants (Beciu, Lazăr, 2015), à savoir les migrants roumains bien intégrés dans les pays de destination (les gagneurs) et qui contribuent à l'image positive du pays d'origine versus les migrants impliqués dans des actes d'infraction ou ceux qui ne sont pas parvenus à trouver une voie d'insertion socio-économique dans les pays de destination (les vulnérables). Cette migration est donc problématisée notamment comme une question touchant à l'image internationale et à la bonne réputation du pays et des Roumains. Du coup, ce mode d'appréhension de la migration comme ressource pour le *capital symbolique de la nation* (Beciu, 2013) s'accroît dans le contexte de la levée des restrictions à l'accès au marché du travail européen des Roumains et des Bulgares, le 1er janvier 2014. Cet événement a été précédé par une série de réactions anti-immigration dans les pays de destination, particulièrement dans le contexte de la crise économique, certains médias et milieux politiques mettant en garde contre les impacts – négatifs – d'un potentiel afflux de migrants. Simultanément, la presse en Roumanie a réagi face à la presse dans les pays de destination par différentes formes de contre-discours, y compris en lançant des campagnes de mobilisation du public.

En partant de ce contexte, notre analyse porte sur un dispositif de mobilisation (la campagne « *Why don't you come over ?* ») construit par les médias roumains via les messages du public activé en tant qu'acteur délégitimateur d'une campagne anti-immigration annoncée par un journal britannique. À l'origine de la campagne se trouve la déclaration d'un politicien britannique selon laquelle l'ouverture du marché du travail européen pour les Roumains et les Bulgares donnerait lieu à une « invasion » des migrants au Royaume-Uni et, à cet égard, il serait utile d'organiser une campagne avec le soutien de l'opinion publique afin de stopper ce phénomène (« *Ne venez pas au Royaume-Uni ! Il y pleut et les salaires sont dérisoires* »). Cette déclaration a été moquée par certains journaux britanniques et l'un d'eux, *The Guardian*, invitera son public – dans un registre ironique – à trouver des « arguments » pour démontrer que la Grande-Bretagne n'est pas un pays désirable pour les migrants. Suite à cette initiative du journal *The Guardian*, la presse roumaine a annoncé que le journal britannique venait de lancer une campagne anti-immigration visant les Roumains. En conséquence, début 2013, le site en ligne du journal roumain *Gândul*, soutenu par l'agence de publicité *Romanian GMP Advertising*, mobilise le public afin de participer à une campagne

en miroir de celle britannique pour démontrer que la Roumanie est un pays désirable pour les Britanniques qui ont envie de partir et de travailler ailleurs.

L'enjeu de notre recherche est de mettre en évidence la configuration, à travers cette campagne, d'un acteur social collectif qui opère dans un champ de repositionnement identitaire (*nous* les Roumains par rapport à *vous* les Britanniques) et qui s'approprie le statut d'« énonciateur légitime » (Angenot, 2006) tout en s'arrogeant le droit de parler d'un *nous* identitaire par rapport à « l'autre ». *Quels modes de production discursive de cet acteur social collectif sont-ils articulés par le dispositif de la campagne en tant qu'un contre-discours ? Quels sont les rapports entre les lecteurs-(co)auteurs engagés dans la campagne et leur posture énonciative ? Comment ce contre-discours s'inscrit-il dans une dynamique des arènes d'engagement par rapport à la migration en tant que problème public ?*

Dans un premier temps, nous présentons des éléments conceptuels et de méthode concernant l'approche de l'identité discursive et de l'identité sociale dans leur détermination et appropriation réciproques. Dans un deuxième temps, nous dégagons plusieurs types de contextes de rapports de pouvoir au niveau de la production et de la réception de la campagne du journal *Gândul*. Les résultats de la recherche seront interprétés en relation avec des pratiques de discours instituées dans l'espace public roumain et qui attestent d'une dynamique de la constitution de la migration comme problème public.

1. APPROCHES. ACTEUR SOCIAL ET ENONCIATION DANS UN CHAMP DE REPOSITIONNEMENT IDENTITAIRE

Cette recherche prend appui sur plusieurs prémisses concernant le rapport entre le discours en tant que mode langagier (d'énonciation, de représentation et d'engagement) et l'agir des acteurs sociaux via leurs statuts dans des contextes de pouvoir symbolique telle la migration. Adoptant une approche socio-discursive (Charaudeau, 2009), nous interrogeons la production sociale de sens à partir de l'imbrication entre identité sociale (lecteurs citoyens, médias-acteur) et identité discursive (investissement dans le discours en tant que 'nous Roumains') : « sans identité sociale pas de repérage possible du sens et du pouvoir de l'identité discursive ; sans identité discursive différente de l'identité sociale et révélatrice du "positionnement" du sujet, pas de possibilité de stratégies discursives, et sans stratégies discursives pas de possibilités pour le sujet de s'individuer » (Charaudeau, 2009 : para 39).

Premièrement, le discours est défini comme une pratique socialement instituée (Fairclough, 2003 ; Wodak, Meyer, 2009) et constitutive des pratiques sociales relevant de la *résistance* (*agency*), l'*engagement*, la *médiation* et, non pas en dernier lieu, l'*instrumentalisation*. Deuxièmement, le discours (médiatique) est approché dans une *situation de polémique directe et indirecte* (Amossy, Burger,

2011) à travers le *contre-discours*. Dans cette démarche, le contre-discours est donc appréhendé comme pratique discursive « liée de manière inhérente au pouvoir relatif des participants au discours » (Koller, 2009 : para 2) mobilisée par les acteurs sociaux dans un champ de relations de pouvoir et de « lutte pour la visibilité » (Voirol, 2005: 107–108). Autrement dit, les contre-discours non seulement reproduisent un champ de pouvoir mais l'établissent par l'acte même de la confrontation.

A cet égard, nous analysons la manière dont les médias roumains en tant qu'acteurs se positionnent face aux discours publics dans les pays de destination. Plus précisément, à travers ces campagnes, les médias instaurent de manière discursive un champ de pouvoir symbolique qui se décline en termes de *statuts* et d'*identités*. Co-auteurs de cette campagne, médias et public se situent en tant qu'acteurs dans ce champ de pouvoir. Dans le cadre de cette recherche, le contre-discours est considéré comme un *discours d'opposition* (Doury, Quet, Tseronis, 2015) ou comme une macro-stratégie performative utilisée par les acteurs sociaux afin de se repositionner par rapport à un discours relatif à la migration et aux identités collectives instituées comme dominant. La dimension performative s'explique par le fait que le contre-discours projette aussi un troisième interlocuteur (Nicolas, 2012) et cette condition de production s'avère saillante dans le cas des discours publics. Les campagnes de presse initiées par les médias roumains par rapport à certains discours anti-immigration en Grande-Bretagne opèrent en effet comme des *dispositifs de mobilisation et d'engagement*, voire, de *repositionnement* dans un champ de communication sur la migration. Dans une sphère médiatique de plus en plus spectaculaire, interpellative et fortement personnalisée, les contre-discours sont également des pratiques de captation et de mobilisation du public qui participent à « une topographie discursive » de l'espace public et du discours social (Angenot, 2006). Ainsi, cette campagne a-t-elle été conçue en miroir, reprenant le dispositif participatif utilisé dans la campagne britannique. De ce point de vue, l'étude de la campagne de presse roumaine montre bien comment la dialectique discours / contre-discours « peut être appliquée à l'analyse de l'espace public et, plus largement, à l'étude de l'agonistique sociale » (Auboussier, 2015 : para 7).

Troisièmement, la campagne interactive initiée par le journal roumain est appréhendée comme une des arènes de visibilité et de mobilisation / engagement dans une dynamique de la publicisation de la migration en tant que problème public. Selon Cefaï (2013 : para 10), « le problème public se confond avec sa dynamique de problématisation et de publicisation, qui engendre de nouveaux mondes, dispositifs et réseaux, capacités et habitudes, catégories et croyances ». En prenant appui sur la sociologie des problèmes publics (Boltanski, 2004; Cefaï, 2013 ; Gusfield, 1984), cette recherche met en lumière la dimension discursive ou l'aspect « expressif » (Orkibi, 2015) de la constitution d'un problème public. Bien que dans les sciences sociales on étudie les conditions langagières et communicationnelles des actions collectives et de la configuration des problèmes publics, ces analyses n'utilisent pas forcément des catégories de l'analyse de

discours (Beciu, Lazăr, 2014; Ciocea, Cârlan, Cheregi, 2019). Notre approche pourrait contribuer à mieux identifier comment « le discours s’y impose comme une variable active des dynamiques sociales » (Auboussier, 2015 : para 9), à savoir, des *expériences engageantes* du public et des dispositifs de captation. A cet égard, la campagne « *Why don’t you come over ?* » s’articule dans un champ de définitions sur la migration. La notion de contre-discours s’avère être un instrument utile pour rendre compte d’une modalité de publicisation spécifique: l’expérience du public se configure par l’usage concurrentiel d’un cadrage spécifique (campagne en miroir, définitions de la migration à visée identitaire, impact de la campagne). Dans la perspective de l’analyse des problèmes publics, la campagne « *Why don’t you come over ?* » illustre donc la manière dont des acteurs sociaux (médias et publics) s’approprient le contre-discours en tant que *pratique sociale dans un champ d’action* leur permettant ainsi de reproduire des identités, des enjeux et des rapports de pouvoir symboliques.

Plus récemment des éléments de la sociologie des problèmes publics ont été intégrés dans l’approche critique de la médiatisation des événements à distance (voir notamment les travaux de Chouliaraki, 2006, 2011 ; Frosh, 2011 ; Ong, 2012, etc.) qui s’intéresse à la manière dont les médias assignent au public une responsabilité citoyenne / éthique. Il ressort une autre perspective sur le rapport entre discours et acteur social : c’est le discours (médiatique) en tant que pratique de représentation des événements qui institue de potentielles conditions pour l’engagement du public / des acteurs sociaux. Or, dans le cas de la campagne interactive retenue pour cette analyse, le public acquiert l’identité d’un acteur social collectif par le biais de son agir discursif en tant que (1) public-auteur, (2) mobilisé par les médias-acteurs.

Finalement, il convient de préciser que le discours et le contre-discours sont des dimensions essentielles de la production d’un champ transnational tout en relevant la manière dont des acteurs sociaux s’approprient simultanément « l’espace du vécu incorporant des activités quotidiennes, des routines, ainsi que les institutions dans les pays de destination et celles situées dans un cadre transnational » (Levitt, Glick Schiller, 2004 : 1003).

2. ELEMENTS DE METHODOLOGIE

Nous situons cette recherche dans une approche socio-discursive en prenant appui sur des éléments de la CDA (Fairclough, 2003), et notamment de la *discourse historical perspective* (Koller, 2009 ; Wodak, 2010), ainsi que de l’analyse de dispositif. Nous mettons en relief la production discursive d’un *acteur social collectif* à travers le dispositif de la campagne, ainsi que la construction des identités collectives dichotomiques (modes de catégorisation, statuts et rapports à l’autre).

Notre instrument de recherche comprend deux niveaux d'analyse. L'analyse du discours au niveau *macro* (suivant l'approche historique des discours): *les types de contextes* qui expliquent la production et la diffusion de la campagne comme ensemble des textes. Au niveau *micro*, les suivantes conditions de production du discours sont mises en évidence :

a. les circonstances de l'énonciation: les types de discours qui sont imbriqués dans le dispositif de la campagne et qui contribuent de manière différente à légitimer un acteur collectif en relation avec plusieurs postures discursives (la modalisation du *nous* identitaire instance de légitimité);

b. les contextes symboliques porteurs d'imaginaires sociaux (circonstances sociales, images stéréotypées) – la construction des statuts et des rapports concurrentiels entre deux espaces identitaires (médias / opinion publique britannique vs. médias / opinion publique roumaine);

c. le slogan comme ressource de pouvoir polémique – les modalités énonciatives et symboliques qui transforment le slogan en élément structurant de la campagne en tant que dispositif de captation et mode d'engagement.

Notre corpus se compose d'un ensemble de textes publiés par *Gândul* du 29 janvier au 7 février 2013, qui comprend une cinquantaine d'affiches, dont une vingtaine créée par le journal et une trentaine envoyée par les lecteurs pendant la campagne, et des comptes-rendus du journal sur l'évolution de celle-ci. Afin que les lecteurs puissent envoyer leurs affiches, le journal a créé une application Facebook « Come to Romania », présentée comme une application qui « encourage l'intelligence et l'humour » et qui rejette les contenus racistes. Les utilisateurs ont eu ainsi la possibilité de poster sur leur « Mur » personnel « le message qu'ils souhaitent transmettre aux britanniques, sous le format des affiches du journal » (*Gândul*, le 30 janvier 2013). Les propositions des lecteurs n'étaient pas modérées dans l'application et les noms des participants étaient visibles. Cependant le journal a procédé à une sélection parmi ces affiches pour n'en publier que deux par jour sur sa page Facebook. « La campagne est devenue un phénomène viral en Roumanie avec plus de 300 000 utilisateurs qui ont vu, commenté et partagé les affiches originales dans les premières 24 heures et des centaines qui ont généré leurs propres affiches via une application spéciale. » (*Gândul*, le 3 février 2013). En même temps les lecteurs pouvaient cliquer sur un lien qui leur permettait de voir en temps réel les affiches envoyées par les lecteurs britanniques au journal *The Guardian*. *Gândul* a donc constamment mis en visibilité un espace de compétition, en présentant des éléments sur l'évolution de la campagne britannique ou des extraits de la presse britannique qui confirmaient l'impact de la campagne roumaine en Grande-Bretagne. La campagne en ligne s'est déroulée pendant un mois. Elle est aussi déclinée en une dizaine de panneaux publicitaires répartis dans les zones centrales de Bucarest (*Gândul*, le 17 juin 2013).

3. LES RESULTATS DE RECHERCHE

3.1. CONTEXTES DE PRODUCTION ET DE MISE EN CIRCULATION DE LA CAMPAGNE « WHY DON'T YOU COME OVER ? »

La campagne interactive « *La Grande-Bretagne, ça ne va peut-être pas nous plaire. Mais vous, vous allez adorer la Roumanie. Why don't you come over?* » initiée par le journal roumain *Gândul* peut être située dans plusieurs types de contextes de rapports de pouvoir au niveau de la production et de la réception. Nous allons brièvement reconstituer trois contextes : (1) le contexte médiatique institué dans l'espace public roumain ces dernières années ; (2) la dynamique du discours médiatique sur la migration comme problème public; (3) le contexte factuel dans lequel s'inscrit la campagne du journal.

Le fait que les médias roumains aient lancé des campagnes de presse en assumant un rôle citoyen afin de se positionner par rapport aux médias britanniques s'explique aussi par certaines pratiques qui concernent le rôle du journaliste et la médiatisation du politique. Cette dernière décennie, on constate dans l'espace médiatique roumain une personnalisation croissante du rôle du journaliste qui se décline notamment par une *identité hybridée*, entre le journaliste-évaluateur qui endosse des points de vue et des positionnements fortement interpellatifs par rapport à la classe politique et le journaliste-citoyen / militant qui établit constamment une frontière symbolique entre « nous » (les roumains ordinaires, l'opinion publique) et « eux » (les décideurs, les politiciens) (Beciu, 2011; Beciu, Lazăr, Mădroane, 2018). Bien que le paysage médiatique soit diversifié (formats, identités des médias), ce rôle du journaliste est incarné le plus souvent dans un cadre médiatique polarisé (opposition / pouvoir) ou en tout cas prenant des formes d'engagement y compris partisan. De ce point de vue, les médias (presse, télévision) équidistants des partis coexistent avec des médias qui se définissent comme acteur dans les processus politiques. *Les médias-acteur* non seulement produisent la visibilité des événements politiques, mais se positionnent eux-mêmes par rapport à ces événements tout en interpellant les politiciens au nom des Roumains. Or, la campagne interactive « *Why don't you come over ?* » est une des pratiques discursives qui témoignent de ce macrocontexte médiatique institué.

Cette campagne s'inscrit aussi dans une dynamique du discours médiatique roumain concernant la construction de la migration comme *problème public*. Dans un premier temps, la migration est définie dans l'espace public roumain notamment comme un problème qui porte sur l'image du pays via les actions (positives ou négatives) des migrants. Dans un deuxième temps, le problème de l'image du pays via les migrants, ainsi que les positionnements des acteurs médiatiques / politiques dans les pays de destination, sont recadrés comme un problème visant le statut européen du pays d'origine (la Roumanie) dans un champ de pouvoir européen. Dès lors, les médias roumains se focalisent sur la manière dont la presse et la classe

politique dans les pays de destination (Grande Bretagne, France, Espagne, etc.) se situent par rapport à la migration et notamment par rapport aux migrants roumains. Par ailleurs, le contexte factuel qui a déclenché cette campagne est révélateur de la manière dont les médias (roumains mais aussi britanniques) construisent l'échange discursif, d'une part, avec les politiciens et leurs publics et, d'autre part, avec les médias des pays concernés par le phénomène de la migration économique.

La campagne interactive de *Gândul* « *Why don't you come over ?* » consiste à publier sur la page d'accueil du journal des affiches offrant aux britanniques nombre d'arguments pour voyager et s'installer en Roumanie. Par la suite, les lecteurs utilisateurs du site en ligne enverront des images mettant en opposition, avec humour, ce qui différencie la Roumanie, ou les Roumains, du Royaume Uni, des Britanniques. Ce contexte confirme en fait la tentative de la presse roumaine de reprendre pour son public toutes les informations sur les migrants roumains parues dans les médias des pays de destination, notamment de Grande-Bretagne. En outre, ce contexte est révélateur de la spectacularisation du discours médiatique qui se traduit aussi par des pratiques de *décontextualisation* de l'information et de *dramatisation* de l'événement. Ainsi, pour légitimer un discours hégémonique dans les médias britanniques, considéré comme disqualifiant à l'adresse de la migration roumaine, la presse en Roumanie a souvent eu recours à une rhétorique émotionnelle. Par exemple, la presse a reproduit dans certains contextes l'argument d'une soi-disant infériorité statutaire des Roumains dans l'Union européenne (« citoyens de second rang ») en construisant un rapport de pouvoir inégal au plan européen. D'où une posture d'opposition citoyenne et une stratégie de délégitimation de ce discours « dominant » abordées par les médias roumains, à partir de 2013, dans des campagnes de presse ralliant aussi des lecteurs. Finalement, cette posture de la presse roumaine est censée catalyser un exercice *d'entrepreneuriat identitaire*.

3.2. LA CAMPAGNE « WHY DON'T YOU COME OVER? » COMME DISPOSITIF D'ÉNONCIATION LUDO-IDENTITAIRE

Le dispositif de la campagne du journal *Gândul* prend appui sur une pluralité de circonstances d'énonciation qui contribuent à le légitimer comme un *dispositif ludo-identitaire à visée citoyenne*. On identifie d'abord le discours constituant de la campagne qui en fait ressortir la nécessité et le but, tout en légitimant le journal en tant qu'acteur qui agit au nom de l'opinion publique et assume une démarche de mobilisation. L'énonciation indique bien le contrôle stratégique de ces deux postures discursives : le journal comme voix fusionnelle avec celle de l'opinion publique (« répondons ») et le journal en tant que voix statutaire (« *Gândul* adresse aujourd'hui aux lecteurs... »; « En échange, nous vous présentons chaque jour une proposition des nôtres », *Gândul*, le 29 janvier 2013). Le journal circonscrit ici l'enjeu de la campagne en désignant le destinataire de celle-ci, qui n'est pas le quotidien *The Guardian* mais « les autorités en Grande-Bretagne » et « les Anglais ».

A travers ce mode de désignation, le journal institue un *contexte donné*, en recontextualisant des déclarations ponctuelles de certains politiciens britanniques afin de consacrer un discours dominant au Royaume-Uni, un discours généralisé au niveau de l'opinion publique, de la presse et de la classe politique britannique.

« *Gândul*, soutenu par la GMP Advertising, vous invite à répondre avec nous **aux craintes des autorités en Grande-Bretagne** concernant les “envahisseurs” roumains. Tous les jours, deux nouvelles affiches de la campagne *Why don't you come over ?* seront postées sur la page Facebook de *Gândul*. »

« *Gândul* vous propose une réponse : “*La Grande-Bretagne, ça ne va peut-être pas nous plaire. Mais vous, vous allez adorer la Roumanie*”. “**Why don't you come over ?**”, c'est le **slogan** de la campagne *Gândul* **destinée aux anglais et aux préjugés sur la Roumanie**. »

Par ailleurs, ce discours légitimateur de la campagne est aussi construit en utilisant des énonciations injonctives à visée ludique, spécifiques de la presse populaire mais surtout des réseaux sociaux. Le journal agit ainsi en acteur médiatique en ligne à la fois s'appropriant une voix interactive et attribuant aux lecteurs l'image d'une communauté active sur les réseaux sociaux.

« Voici les affiches que nous vous proposons aujourd'hui. Rappelez-vous, vous pouvez maintenant envoyer votre message aux Britanniques en utilisant l'application “Venez en Roumanie”. » (*Gândul*, le 31 janvier 2013)

« Si vous aimez les messages et en soutenez l'idée, téléchargez-les et disséminez-les sur votre page personnelle. » (*Gândul*, le 30 janvier 2013)

« La campagne *Gândul* “WHY DON'T YOU COME OVER ?” va plus loin. Nous invitons les Roumains à proposer aux Britanniques un lieu d'accueil. Inscrivez-vous sur le site de la campagne ! » (*Gândul*, le 3 février 2013)

Un autre type de discours dégage un rapport concurrentiel avec les médias et le public britanniques, d'une part, et avec le gouvernement et le public roumains, d'autre part. Le journal *Gândul* présente constamment pour le public roumain les réactions – en général favorables – des journaux britanniques, mais aussi d'autres médias étrangers (Channel 4, Associated Press) face à la campagne roumaine, en tant que modalité de (re)légitimer en temps réel cette campagne, mais aussi le statut même du journal. Le quotidien se positionne comme instance impliquée dans une démarche citoyenne ayant également l'expertise nécessaire, puisque la campagne semble être beaucoup plus efficace qu'un présumé projet de campagne du gouvernement roumain. Se situant dans la logique de l'hypertexte ou des jeux numériques, le journal diversifie son dispositif en annonçant un nouvel espace participatif pour ses lecteurs, à savoir, une page qui permet aux lecteurs de faire découvrir aux britanniques la Roumanie. Ce rapport concurrentiel est énoncé notamment à travers des évaluations et par la valorisation de la voix statutaire du journal (« la campagne *Gândul* »). De plus, le journal produit un *discours*

d'autoréflexivité en évaluant la contribution de ses lecteurs à la campagne comme un argument supplémentaire concernant l'efficacité de la campagne.

« Le journaliste dit que le succès de la campagne “*Why don't you come over ?*” réside dans le simple fait qu'elle s'emploie à user de l'humour. “Imaginez ce que la réaction de notre Ministère des Affaires étrangères aurait été: l'une patriotique, raide, du genre ‘eh ben, n'y a-t-il pas de quoi manger en Roumanie ?’. Au lieu de cette réaction, dont l'effet à l'échelle internationale aurait été nul, nous avons une réaction qui s'affirme par un instrument de communication et de manipulation extrêmement efficace : l'humour. La campagne se révèle être écrasante, virale, elle a des échos dans le Huffington Post, sur Channel 4 ou Associated Press”, écrit Cristian Tudor Popescu dans son commentaire. » (*Gândul*, le 31 janvier 2013)

« La campagne de *Gândul* et de GMP Advertising “*Why don't you come over ?*”, que nous avons proposée en réponse à l'initiative que le gouvernement britannique envisage – à savoir de lancer une campagne visant à dissuader les Roumains et les Bulgares à chercher du travail et à s'installer en Grande-Bretagne – franchit à partir d'aujourd'hui une nouvelle étape dans le rapprochement des Britanniques de la Roumanie. » (*Gândul*, le 3 février 2013)

Un troisième type de discours est celui des lecteurs utilisateurs du site en ligne *Gândul* qui ont répondu à l'appel du journal et ont envoyé des affiches reprenant le format des celles créées, dans un premier temps, par le journal et l'agence de publicité. L'affiche constitue donc un micro-dispositif iconique comprenant un slogan et une image ou seulement un slogan inséré dans le format préétabli par le quotidien. L'énonciation structurante est celle du « nous identitaire », chaque slogan valorisant ce qui distingue le « nous » du « vous » (britanniques). Le slogan prend donc appui sur des attributs identitaires présentés comme compensatoires des attributs fétiches qui incarnent la société britannique. Autrement dit, les slogans déconstruisent avec humour, un par un, les symboles de la culture britannique participant d'un répertoire stéréotypé et leur opposent – par contraste – un symbole de la culture roumaine. L'énonciation au niveau des affiches envoyées par les lecteurs indique la construction (1) d'un *locuteur collectif* (*nous*) mais qui par le biais du dispositif acquiert (2) le rôle d'un *acteur collectif* à même de légitimer (3) un *hyperénonciateur* (Maingueneau, 2004), à savoir, un *nous identitaire concurrentiel* (la Roumanie comme espace de vie désirable). L'énonciation du locuteur collectif (*nous*) ne saurait être dissociée des deux types de discours du quotidien *Gândul*, celui légitimant la campagne comme un dispositif de mobilisation assumé par le journal (le discours constituant) et celui légitimant la campagne par son déroulement même, c'est à dire en termes de rapports concurrentiels pluriels. C'est donc à travers le dispositif en ligne et par l'imbrication de ces espaces d'énonciation que s'institue l'image d'un *acteur social collectif*, co-auteur de la campagne, s'appropriant une voix collective ludique-identitaire qui définit la dimension concurrentielle du « nous ». En même temps, la

constitution de cet acteur collectif s'avère être une occurrence dans le processus de la construction de la migration comme problème public.

3.3. MOBILISER DES CONTEXTES SYMBOLIQUES DANS UN CHAMP IDENTITAIRE

Tant le journal que ses lecteurs puisent leurs points de vue pour justifier leur action dans des imaginaires sociaux investis d'une valeur positive (Charaudeau, 2007) tout en produisant, dans l'interaction même, un *rapport concurrentiel identité-altérité* (« chez nous vs chez vous ... »). L'imaginaire institué en termes de tradition du pays est recadré à partir des significations qui émergent dans le processus de symbolisation de l'identité collective que journal et lecteurs construisent comme un imaginaire de « modernité ».

« “Je pense que nous venons de découvrir quelque chose d'important : **on ne saurait faire une campagne positive** pour la Roumanie rien qu'en parlant des paysages et des traditions. La Roumanie doit montrer qu'elle est moderne, intelligente et adaptée à cette époque. C'est ce que nous avons essayé de faire : **apprendre aux Anglais de nous reconnaître comme interlocuteurs valables**. Des Roumains débarrassés du complexe d'infériorité qui sont prêts à utiliser l'humour pour favoriser la compréhension et le dialogue !”, déclare Claudiu Pândaru, directeur éditorial de Gândul.info. » (Gândul, le 25 février 2013)

Dans cet esprit, on passe de l'appropriation identitaire des ressources patrimoniales culturelles et touristiques de la Roumanie – renvoyant à l'héritage évocateur de tradition – aux marques identitaires construites à partir d'« expériences culturelles » de la vie quotidienne (Charaudeau, 2007) : « **Nous avons** une tour horloge à Sighișoara plus vieille **que votre Ben !** » ; « Qui a besoin de Big Ben lorsqu'on a la Colonne sans fin ? » ; « Savez-vous où se trouve Viscri ? Eh bien, votre Prince le sait. » ; « Une chope de bière **chez nous** coûte moins qu'une bouteille d'eau **chez vous**. » ; « **Chez nous** il y a d'autres choses à manger que des tartes, des saucisses et des fish & chips. » (<http://www.gandul.info/stiri/noile-afise>)



Une *identité compétitive* est bâtie sur la valorisation d'un ethos spécifique – un peuple spirituel et du « caractère » : « **Nous avons** la moitié de **votre PIB**, mais trois fois plus de plaisir. » ; « L'humour roumain peut avoir l'accent britannique. »

Il convient de préciser que le journal *Gândul* a généré pour ses lecteurs roumains un espace de visibilité de la campagne britannique puisqu'en cliquant sur le lien indiqué (« **The Guardian a invité ses lecteurs** ») le public roumain pouvait découvrir de quelle manière les lecteurs du quotidien britannique avaient construit leurs affiches, avec plus ou moins d'humour, autour de quelques imaginaires mentionnés par le journal même (« *Le temps, nos transports et nos hommes politiques figurent parmi les suggestions les plus populaires* », *The Guardian*, le 29 janvier 2013). *Gândul* et ses lecteurs y répondent *aux britanniques* en articulant un espace de présentation susceptible d'en supporter la concurrence en termes de *vie quotidienne et pratiques utilitaires* : « **Nous pouvons** échanger un propos même sans mentionner les prévisions météo. » ; « Ici, **vous pouvez vous** permettre le luxe de vous bronzer » ; « Conduire sur l'autre côté de la route ? Les rêves deviennent réalité en Roumanie. » ; « **Nos journaux** pénètrent dans la vie privée des célébrités, pas dans les téléphones des gens ordinaires. »



« “Nous avons tout simplement **retourné les clichés anglais** pour **nous montrer** sous un meilleur jour. Ce qui demande un certain **sens de l'autodérision**”, convient Mihai Gongu, directeur de création à GMP Advertising. » (*Gândul*, le 25 février 2013)

CONCLUSIONS

L'analyse de la campagne interactive « *Why don't you come over ?* » met en évidence la configuration discursive d'un *acteur social collectif* qui agit dans un champ de repositionnement identitaire (*nous* les Roumains par rapport à *vous* les Britanniques). Cette configuration ressort d'une articulation de postures socio-discursives plurivalentes imbriquées dans un *dispositif ludo-identitaire* à visée

citoyenne. En premier lieu, l'analyse montre que la constitution de cet acteur collectif prend appui sur une dialectique entre le dispositif en ligne (comme espace de mobilisation), des circonstances et modes d'énonciations institués dans le cadre du dispositif et la dynamique des contextes et des (contre-)discours médiatiques sur la migration comme *problème public*. Ainsi les lecteurs du journal *Gândul* se configurent comme un acteur collectif par le biais d'un dispositif qui combine stratégiquement plusieurs types de discours et circonstances d'énonciation lesquels sont sur-réglémentés par un enjeu concurrentiel-citoyen. Cet acteur collectif s'institue dans l'acte même de la *mobilisation* par le journal (public actif engagé), par l'acte de la *participation* à la création de la campagne (public co-auteur de la campagne assumant la légitimité de définir des rapports d'identité / altérité) et de l'*appropriation* d'une voix collective ludique-identitaire ancrée dans la polémique (un hyperénonciateur – « nous » vs « vous »). L'acteur social collectif est formé et acquiert une identité publique par la participation au dispositif et à la production du discours.

En second lieu, cette campagne s'inscrit dans une dynamique du discours médiatique roumain concernant la construction de la migration comme *problème public*. Cette campagne confirme une des tendances déjà établies dans l'espace public roumain après la levée des restrictions à l'accès au marché du travail européen des Roumains et des Bulgares, le 1er janvier 2014, à savoir, la redéfinition du problème de la migration comme un problème visant le statut du pays dans un champ de pouvoir européen. Les médias roumains réagissent face à la presse dans les pays de destination par différentes formes de contre-discours. Dans ce contexte, le dispositif de cette campagne s'avère être un contre-discours émergeant de repositionnement dans un champ transnational. La migration est ainsi appréhendée comme une ressource symbolique de négociation d'un statut identitaire et politique.

Dans une perspective plus large, les particularités de ce dispositif (*hybridisation* des circonstances et modes d'énonciation ludiques, identitaires) révèlent une certaine ambiguïté en ce qui concerne le caractère de la participation citoyenne. Comment distinguer entre la compétition symbolique, voire le registre ludique, qui opère comme un embrayeur de la mobilisation du public-créditeur des contenus, et la participation de ce même public à une campagne concernant un problème public?

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PARENTAL CONCERNS REGARDING YOUNG CHILDREN
AND DIGITAL TECHNOLOGY. AN EXPLORATORY QUALITATIVE
INVESTIGATION IN THREE EUROPEAN COUNTRIES*

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ABSTRACT

One of the effects of the development and widespread diffusion of digital technologies is that in contemporary homes children are being exposed to those technologies since birth. The present study aims to identify the general 'climate of concern' and to map specific worries that parents have with respect to their young children's digital lives.

The study was theoretically framed by the intersection of parental mediation theory with media panics theory, and relied on data collected in three European countries (Portugal, Romania and Slovenia) as part of JRC project Young Children (0–8) and digital technologies. The data were collected in 2015, through family visits, this paper focusing on semi structured interviews that took place with parents.

The results show that parents of children under 8 years old are concerned about health-related issues, screen addiction, exposure to age-inappropriate content, social exclusion by absence or under use of digital media, concerns of losing opportunities for

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essential (non-digital) childhood experiences, bad school performance and learning the “right” skills for the future. If some of these concerns echo public discourse on the risks of technology, parents in our study trimmed these fears and adjusted them to their current situation and their parental mediation practices.

Keywords: young children, digital technology, parental concerns, parental mediation, media panics.

INTRODUCTION

At a time when children – from birth and sometimes before it (Leaver, 2017) – are, in a way or another, involved with digital technology, the public and parental discourses on this phenomenon are still linked with almost eternal issue of children’s screen time. (Blum-Ross, Livingstone, 2016a) Moreover, as some studies have shown, parents of very young children (aged between 0 and 8) do not express much of anxiety regarding their children’s digital technology use, but mostly consider themselves in control of their children’s media diet at this age. (Chaudron *et al.*, 2018, van Kruistum, van Steensel, 2017, Marsh *et al.*, 2015) Starting from the Portuguese, Romanian (Velicu and Mitarcă, 2016) and Slovenian (Lobe, 2016) data from the Young Children and Digital Technology project (Chaudron *et al.*, 2018), we aim to explore parental worries related to their young children’s digital media use and explain why these worries are, as it will appear, rather at a low level and expressed in general terms than on specific ones.

This study approaches parental discourse within an explanatory framework situated at the intersection of parental mediation with media panics theory. The next section briefly discusses these theories, constructing the theoretical framework for the analysis. Then we describe the study and its data collection and the methodology of the current analysis. The third section presents findings from three national cases (Portuguese, Romanian and Slovenian). The last section discusses the findings within the presented theoretical frame and focuses on their policy implications.

THEORETICAL FRAMEWORK

PARENTAL MEDIATION

Rooted in the media effects paradigm, according to which media have negative effects on children, the theory of parental mediation advocates for and explains how parents could mitigate these effects by using different mediation strategies (Valkenburg *et al.*, 1999). The number and names of these strategies vary over time, having also been influenced by the technology that made the object of mediation. Thus, if in the television era, researchers talked mainly about active or instructive mediation, restrictive mediation and (social) co-viewing (Nathanson,

1999, Valkenburg *et al.*, 1999), later on, the internet multiplied the number of strategies. For instance, the EU Kids Online project (Livingstone *et al.*, 2011) advocated for five such mediation strategies, adding to the older ones, the safety dimension and also taking into account the technical possibilities parents have to mitigate children's access to the internet (Durager, Sonck, 2014).

Within a context where technology tends towards diversification and multiplication, sustained by new technological assets such as touchscreen technology or internet-connected toys (Zaman, Mifsud, 2017; Sefton-Green *et al.*, 2016), researchers tend to essentialize these strategies according not to the exact parental practices, but to the general mediation style based on the driven values. For example, van Kruistum and van Steensel (2017) describe three main mediation styles – regulation, guidance and giving children space –, whereas Livingstone and her colleagues (2017) shrink even further and talk about only two mediation styles, namely enabling and restrictive mediation.

Some researchers argue that parental mediation theory has weaknesses. From the point of view of the new sociology of childhood, one major weakness is the child's utter exclusion from the process of mediation. Thus, in an attempt to give children a voice, Haddon (2015) challenges the perspective on parental mediation, exploring not the actions parents have undertaken, but children's perception of them. He argues that although in most cases, children are pleased with parental intervention, there are also situations in which children treat it rather negatively, resisting or opposing it. Other critics (*e.g.* Clark, 2011) argue that not only are children's voices largely absent within parental mediation, but also is their agency, despite the space for interaction with their families that new media afford children. Thus, Clark proposes a new form of mediation, participatory learning, 'that involves parents and children interacting together with and through digital media' (2011: 322). Ponte and her colleagues (2017) pointed toward 'reverse mediation', where children are savvier than their parents and help them use the technology. Another weakness of parental mediation is to consider it a fixed strategy, whereas, as shown by recent studies (van Kruistum, van Steensel, 2017), parental mediation is a dynamic process, in which parents continuously adapt their strategies to children's age (Chaudron *et al.*, 2018), family structure (*e.g.* the existence of older or younger siblings), time and space (*e.g.* dinner time, or restaurant situation).

MEDIA PANICS AND ITS CRITICS

If the parental mediation paradigm assumes the existence of (negative) effects of media on children, media panics studies rather dismiss this initial assumption, pointing on the way media inflate the topic of media effects on children. Relying on Cohen's (1972) concept of moral panic, Drotner (1999, p. 596) defined *media panics* as a form of moral panic, directly related with the arrival of a new medium, characterized by:

'the new media is both instigator and purveyor of the discussion; the discussion is highly emotionally charged and morally polarized (the medium is either "good" or "bad") with the negative pole being the most visible in most cases; the discussion is an adult discussion that primarily focuses on children and young; the proponents often have professional stakes in the subject under discussion'.

Although acknowledging the explanatory power of the moral panic theory, McRobbie (1994), argued for a revision of it, showing that a clear separation between media and social reality is not correct and that in the new media landscape the relations between the media, the agents of social control, the folk devils and the moral guardians has changed in a more complicated and less linear pattern than described by moral panic theory. As such, McRobbie (1994) showed that uncritical and excessive use of moral panic theory instills fear in the public that generates either helplessness, and political powerlessness leading to immobilism, or anger that urges action to seek remedies and solutions. But even if no one argues against the importance of understanding media-constructed anxiety and discerning it from other public / parental concerns, finding reliable means to get to the latter is an epistemological challenge for researchers. (Buckingham and Jensen, 2012)

In their critical analysis of media panic theory, Buckingham and Jensen (2012) argued against the overuse of the concept in public debate and research alike. Among the problematic aspects of this theory that Buckingham and Jensen (2012) identified, there are: the assumption of some hidden intentions of panic promoters (either media itself or 'moral entrepreneurs'), its claimed rationality (against the irrationality of those who are victims of moral panics), the discursive frame 'us' versus 'them' that acts as an argument and its political use for re-establishing the generational order. Thus, the two authors pleaded for moving beyond the dichotomous frame (*i.e.* media is either good or bad for children), toward alternative theories that would approach the parental and public concerns less ideologically and more contextualized. This way, Buckingham and Jensen (2012) argued, researchers do not just dismiss people's concerns linked with media as being irrational, timeless and universal, but 'understand them in their own terms' (p. 419), as culturally rooted and rational. Moreover, moving beyond media panic theory toward context specific analysis of parental concerns, researchers are able to 'draw the line between a proportionate, objective response and an irrational panic'. (Buckingham and Jensen, 2012: 418)

To sum up this section, we would say that in order to map parental worries related to the risks of technology for young children, we have to consider not only the explicitly expressed parental concerns, but also their mediation practices that in general answer to more hidden parental concerns. Moreover, in order to understand these concerns, the analysis should be cultural and contextual rooted, allowing to separate genuine concerns by those emulating media panics discourse.

METHODOLOGY

DATA COLLECTION METHODS

The data discussed in the present paper were collected as a part of the international project “Young Children (0–8) and digital technology”. The main purpose of the study is to explore young children’s and their families’ experiences with digital technologies. The project was coordinated by the Joint Research Centre (JRC) and started in 2014 with a pilot in seven EU countries, and then extended with a second-wave of data collection in 2015–2016 to sixteen. Third-wave interviews, monitoring change over time, took place in 2017, across 10 countries. (Chaudron *et al.*, 2018) The analysis offered in this paper derives from data collected during the second-wave of the project.

In all countries, researchers conducted separate in-depth qualitative interviews with children and their parents. All interviews followed an observation protocol prepared in advance. As the study was highly exploratory, researchers could adapt the agreed protocols to specific interview contexts, taking into account different countries, cultural and family characteristics, while still focusing on research questions.

Ethical issues were regarded with high sensitivity, obtaining informed consent from parents and children, listening to children closely, compassionately and with respect. Complete anonymity was assured and all participants were provided with detailed information about our research.

SAMPLING

In its second, extended phase, the study was conducted in Belgium, Bulgaria, Croatia, Cyprus, Denmark, Latvia, Lithuania, Portugal, Slovenia, Malta, The Netherlands, Norway, Romania, Russia, Spain, and Switzerland. At least ten families per country were selected using snowball and purposive sampling. Each country aimed to address diverse family structures in terms of children’s ages and gender, family composition, and income. Families with at least one child under eight and at least one parent were included. In each family, at least one parent and a child aged between six and eight years, using digital technologies at least once a week, were interviewed.

For this paper, we privileged data from Portugal, Romania and Slovenia, on which the authors have a direct knowledge. In Slovenia and Portugal, samples included ten families (per country), while in Romania, eleven.

DATA COLLECTION PROCEDURE

A typical family visit consisted of three stages. After the introduction of the project, it began with a warm-up activity with an Insafe book¹, where introductions were made. Qualitative in-depth interviews with selected children, aged between six and eight, followed afterwards, preferably in their room, alone or in interactions with siblings. To facilitate the interview, innovative and age-appropriate tools were used – e.g. children showing their toys and how they play, researchers using a card game through which children casted their preferences about online and offline activities and gadgets, drawings of favorite digital activities games. Parental interviews with each parent separately followed the parent's protocol based on a semi-conducted pattern and revolved around children's use, parental mediation, and parental worries. An informal chat with all the family, where anyone had the chance to make additions to their contributions, wrapped up the visit.

DATA ANALYSIS METHOD

All family visits were documented in a form of photos, taken either by children or researchers; interview audio-recordings; and researchers' field notes. All qualitative interviews were transcribed ad verbatim, organized in thematic categories and interpretatively analyzed for parental worries (or lack of them). The main data analysis method used in this chapter is thematic analysis. This is a form of analysis to understand ideas emerging from qualitative data by arranging them into identifiable patterns and thematic categories (Braun and Clarke, 2006). The thematic categories that emerged from Nvivo coding are as follows: risks of / concerns of health-related issues (e.g. vision, excessive screen time, lack of exercise, sleep, bad quality of sleep, etc.), screen addiction, exposure to age-inappropriate content (violence, bad language, sex), social exclusion by absence or under use of digital media, nostalgia of childhood of before digital time, concerns of losing opportunities for essential childhood experiences, mainly outdoors, bad school performance, learning the "right" skills for the future.

In the results section, each category is interpreted in a form of a case study for each selected country. The interpretation is backed up by ad verbatim citations from parental interviews.

PARENTAL ACCOUNTS ON CONCERNS IN PORTUGAL, ROMANIA AND SLOVENIA

HEALTH ISSUES

At this age, parental concerns over screen time revolve around the (perceived) **negative health impact** it is likely to have. In Portugal, the biggest

¹ Insafe (2011, 2nd ed. 2015) Activity Book – Play and learn: Being online, European Schoolnet, Brussels.

concern for parents was health-related consequences of over-use of screened-media. In most homes, parents expressed the potential negative effects of excessive screen-time on eyesight, sleep, and concentration. Some were also concerned that the excess of digital technologies will have an impact on children's health, generating problems such as sedentarism and obesity, as well as affecting the development of their social skills.

PT07m²: "I think they are going to miss a lot in terms of human relations. For me, these new technologies, because of social networks like Skype and such, do not bring people together, [they] drive them apart."

In Romania, parents frequently mention headaches and problems in vision. It is only at older ages that parents start worrying about the impact of screen time on **children's school performance**. **Other health issues**, related to obesity and sedentariness, are explicitly excluded by some of the parents, who suggest that their children's outdoor and sporting activities 'compensate' for their digital practices.

Also in Slovenia, the most frequent parental concern about using digital technologies by small children is also **health related**. Parents believe that spending long hours behind the screen can cause significant health problems, referring to bad posture and vision problems. Therefore, in most homes, parents use time restrictions and make a lot of effort to offer children high quality offline alternatives to spend their time.

SI05f37: "My main worry is that my kid's vision would be impaired and that he developed a bad posture due to using the tablet too much. He is in a very strange position, curled in a way and then the only move is sliding his finger... truly worrying..."

A very interesting view was offered by a father who is actively using computers and other digital technologies for work (programming). He adopted a more critical stance toward these concerns and, based on his experience with digital technology, dismissed them arguing for other specific concerns.

SI03m36: "If they used it a lot... I would be worried... I mean... well, I don't know... They kept telling as a child me I would damage my eyes because I used to be in front of the computer all the time... but I did not damage my eyes, my vision is still very clear. They kept telling me i will damage my back and also my back is still in great condition. Hm... I actually think there are no real health concerns... My true and only worry would be if my children had their own devices (tablets, smartphones) that they could communicate with anyone as if they were on the street... I think to

² The code we use for referring to individuals and families should be read as follows: first, there is the name of the country, the number identifying the family, then the role into the family (m stands for mother and f for father); in some countries, also the age of the parent is mentioned.

control what a child is doing is actually wrong... but you have to talk on a regular basis with your child to gain their trust... so that the child can know they can tell you anything, even if doing something wrong. You cannot be angry at your child if they do something wrong and do not know better”.

SCREEN ADDICTION AND EXCESSIVE USE ISSUES

In Portugal, addiction and excessive use issues are closely connected to health-related issues as parents believe that health problems are the consequences of overuse of screened digital technologies. In most homes, they set restrictions related to the time use and some parents also refer being worried with addictive behavior of their children.

PT07f: “He [son, 6 years old] gets completely altered [when he is playing games on the tablet]”.PT07m: “He is addicted!”

In Romania and Slovenia, parents see the addiction and screen issues more as a future threat. In both countries, the majority of interviewed parents see excessive use as a possible (or sometimes inevitable) future problem, but not for the time being. They considering their strategies of reducing time of use efficient, mainly by offering them (outdoor) alternatives.

RO10m39: “They access the computer only while I am at home, and they ask me, ‘Mom, can I?’ (...) I didn’t let them use the computer much. I (...) It’s better for them to play in the street, with other children. That’s what I think. There will come a day when I won’t be able to take them away from the computer, but until then...”

SI01f40. “...that it will completely overtake my child, that he would not be able to stop looking at the tablet ... this worries me much more than the content itself.”

In Romania, what is seen as excessive use of digital technologies is already present in some families, where parents often argue with their children regarding time of use. In some cases, parents feel at ease with ‘older’ media, and time spent watching them is seen as something ‘natural’ (seeing animals on TV is a sort of ‘immersion in nature’), whereas they object time spent on digital devices.

RO09m29: “I don’t particularly fancy the fact he [son, 7 years old] spends so much time on the tablet, PSP or on the internet. I keep telling him: dear, let’s give these eyes a break, watch something else for a change. So we watch a cartoon, a movie (...) animal programs.”

Also in Slovenia, a few interviewed parents are anxious about psychological consequences, *e.g.* addiction. They expressed their worry about children spending too much time on the tablet and the possibility of getting addicted.

SI04f35: "My main concern is addiction ... spending too much time behind the screen... not yet, but soon, I feel. We will need to find a way to prevent that."

EXPOSURE TO AGE-INAPPROPRIATE CONTENT (VIOLENCE, BAD LANGUAGE, SEXUAL CONTENT)

In Portugal, parents do not express concerns with age-inappropriate content or other dangers *such as cyber-bullying or contact with strangers*. They acknowledged social media as a serious reason for concern, but for older children. They also believed their children still lacked the skills for more complex internet uses, and consequently were not exposed to such dangers. However, researchers observed that some children were exposed to age-inappropriate content on YouTube, to intrusive in-app advertising, and to contact with strangers on game apps that included chats.

Also in Romania and Slovenia, mostly concerns in children-appropriate content is mentioned by parents. Although some Romanian parents mentioned incidents where children accidentally encountered some sort of sexual content, parents do not necessarily consider this a problem, as long as children do not actively search for such content. To them, more stringent to cope with is the violent content, which they see as being ubiquitous in games:

RO05m35: "They all have to include some fighting aspect. The dinosaurs had to fight and kill each other and any game has, ultimately, something violent in it."

A specific concern related to violent content is the algorithm used by YouTube to suggest content. The suggestion mechanism makes many parents feel insecure and be on alert, monitoring their child's activity online, or taking technical measures to restrict the respective content:

RO05m35: "I'm not interfering, but I am careful about the films. From one video to another, as Youtube suggests, it's likely they may get to something very violent."

RO01m45: (recounting how she got to set the parental control on YouTube) "So I think I bumped into something myself, initially and realized, look, one click away there's a film potentially... (she hesitates, beat) I don't remember what it was, exactly. Something aggressive (much more confident). And then I searched for the setting. I guess that must have been the case. So at first I didn't think to do such a thing, because the child was too small – she was, I don't know, two or three, I

thought she's got no place to get there, but look at that!, I was showing videos to her, she was curious and clicked, let me see this one, and that one and the other one – she was seeing the previews – and I realized she could get to click on one which is not ok. And then I searched the settings.”

In Slovenia, only a few parents raised concern about contacts and content but mostly in a hypothetical way as their children are not there yet with their basic use of digital technologies. Most parents consider a sincere and open relationship with children as better alternative to installing blocking software as a way to prevent children to suffer from harmful content / experience online.

SI02f35: “...some problems can be solved by installing a filter of blocking program. Although this might not be really effective as it is then only at home computers... what about everything else... What I am truly worried about is... am... that she would not tell me, not talk to me if anything unpleasant, bad would happen to her. Therefore, I am trying hard to establish an honest and gentle relationship with her. Even though, I am still wondering if she will tell... or she will bottle unpleasant things up and wonder tell or not to tell mom.”

SI05m42: “I believe that talking to my child will have a much better impact on how she will react when experiencing something bad online as opposed to using some automatic program to block harmful stuff. I am making an effort to let her know she can rely on me even if she makes a mistake... I don't know...”

SOCIAL EXCLUSION ISSUES

Not only the overuse of digital technology is seen as problematic, but also the underuse or the lack of access. Thus, in general, parents are aware that absence or under use of digital technologies can result in social exclusion of their children. However, the majority believes this can be a future cause of concern and it is not yet observed at this age and stage of their children's lives. They recognized that they are indispensable for their children's future and very useful.

PT03m: “Technology builds, it supposedly facilitates work and life to humankind. If I don't give her [daughter, 7 years old] access to it, I am excluding her from the world we live in currently.”

In Romania, parents express mixed perceptions and attitudes towards digital media. For some, the issue of social exclusion is linked with the fear of parental exclusion from children's lives, technology playing at this age the role of the umbilical cord through which parents stay in touch with the child. (Haddon, Vincent, 2014).

RO05m35: “Around six (he asked): “Mom, I will soon turn seven, will I get a phone?”, and mommy’s answer was, “No, absolutely not.” Then he took us separately. He took daddy separately: “Dad, when I’ll turn seven...?” and dad said, “No, it’s out of the question!” Then he took it to his aunt, and the same, she said no. That, until we experienced the first field trip we did not know anything about him from morning till dusk; and it was also his school mistress’ first field trip with them and she wanted to see who is she dealing with, parents-wise, who’s a control freak and cannot stay out of touch with their own children. And then we said it’s strictly to this avail, and wrote Santa and then Santa brought the phone, with a note, I told you, where it said it’s only for field trips and camps”.

In Slovenia, for children under the age of eight, which were included in this study, parents do not see a lack of access as a sign of deprivation for their children.

SI09f33: “I believe that children before the age of at least eight are too young to be exposed to it. It is quickly rather too much than too little.”

NOSTALGIA OF CHILDHOOD OF BEFORE DIGITAL TIME

In all three countries, parents expressed a strong sense of nostalgia for their own childhood. Concerns of losing opportunities for essential childhood experiences, mainly outdoors, were raised. In Portugal, they regretted that their children could not enjoy certain perks, such as **having closer contact with nature or playing outdoors** with friends often (which is considered not to be safe anymore). Worse, they regretted that sometimes their children did not want to enjoy outdoors activities, because they preferred staying indoors and playing with tablets or smartphones.

PT04m: “Kids don’t play like we used to anymore. They don’t play on the street. They [daughter, 9 years old, and sons, 7, 6 and 3 years old] must learn to play all together and to go outside. I don’t like that they stay at home all the time, stuffed inside.”

As previously mentioned, in Romania, the **nostalgic discourse of childhood** comes in par with concern of excessive use. Parents try to reduce some of that by offering them outdoor alternatives.

RO10m39: ‘They access the computer only while I am at home, and they ask me, ‘Mom, can I?’ (...) I didn’t let them use the computer much. I (...) It’s better for them to play in the street, with other children. That’s what I think. There will come a day when I won’t be able to take them away from the computer, but until then...’

RO11m37: “They don’t have a childhood anymore. Well, it’s not my case, since I hold them tight. When the tablets appeared in the house, the kids did not

disconnect for two weeks. Thus, they (the tablets) were confiscated (...) until they came back to their regular schedule."

In Slovenia, almost every interviewed parent expressed a **nostalgic view of their own childhood**, outdoor playing and spending time in nature. They try to practice this "genuine childhood", as one mother labeled it, as much as possible by providing children with attractive offline alternatives to screen time. Most interviewed parents are making a great effort to spend the days as active as possible and to reduce the screen time as much as possible. In this way, they believe, children have a sufficient amount of movement and activities and do not crave passive sitting screen time as much as they might.

SI08m38: "We spend as much time outside as possible, playing in the playground, going to the woods, hiking, cycling. I believe there will be a lot of time to get more familiar with internet when they are older".

SI09f33: "When I was a kid, we use to play outside and we were happy. Things were simple, life was simple. I still believe in that simplicity and want my children to get a feel of it. Screens are not everything!"

BAD SCHOOL PERFORMANCE

It is only at older ages that parents start worrying about the impact of screen time on **children's school performance**.

In Portugal, parents are generally attentive to excessive screen time, and a common rule in several of the homes is that children are only allowed to play with digital devices after they have finished their homework.

Pt06m42: "He is only allowed to play after finishing his homework. School always comes before play".

The same approach seems to exist also in Romania where a big difference appears in parental concerns related to children 5 to 6 and for those that are 7 to 8 years old. As at older ages kids are in school, a new concern about children's school results is expressed by parents, concern that imposes new rules in the use of digital technology.

RO02m27: "Ok, yes. So she doesn't need any laptop or computer until she's done her homework. And I don't let her do it in a hurry. So yes, that's a rule. She's not to come home and hop on to the computer, on this and that and in the evening to get to realize, oh, my God, there's homework to be done. No. She's coming home, she's washing up, changing clothes, eating and then she tackles the homework".

In Slovenia, none of the interviewed parents expressed the fear of bad school performance due to the use of digital technologies at this particular age as the interviewed children are not in school yet or have barely started school.

LEARNING THE “RIGHT” SKILLS FOR THE FUTURE

In Portugal, most parents also believe that digital technologies will be key in their children's future, and consider important that they develop digital skills. However, only in a few families, especially those with higher formal education, do parents get involved in teaching and advising about digital practices.

Pt09m36: “I like to help her [daughter] to choose the information that is good for her. It is important to help her to take the best advantage of digital technologies”.

Pt02f41: “I like to play with my son using Scratch. That way he is learning how to code. I believe that will be an important skill for his future”.

Pt10m42: “Digital technologies should be explored by parents and children together. That is the only way children will learn control and good use”.

The same is true for some Romanian parents, again, especially those with a higher formal education who use digital technologies in their everyday lives and for work related purposes, in order to broaden children's understanding and use of the internet, actively mediate their children, teaching them how to use the internet more efficiently. This approach derives from parental concerns that one should not only ‘use the internet’, but use it appropriately.

RO07f38: “I want to teach him how to better use Google, but it's frustrating, because for what he needs to know, he has to write in English. I showed him an aikido master on YouTube and some aikido movements. Now I don't know if he would've thought of searching it himself. But now that I showed it to him, he's got the initiative of searching for it himself”.

RO06f47: “And I tried to explain nicely and calmly that it's very important the spelling and that others notice such things. And that could make a difference one day, so it's a good thing to learn the spelling, including online. Forget about the others: they don't know, it's their own business. But I'd like you to know, right? And I can see he's careful about this”.

Also in Slovenia, the majority of interviewed parents believe that as children grow, the digital technologies will step forward in their lives. They believe digital technologies will play a more important role in developing children's literacy skills.

SI02f35: “When the time comes, we will sit and talk to our children, so they learn how to use applications and sites with positive, educational and informative content for them and gain knowledge and skills that other children also will have”.

SI04f34: "We know that digital technologies are also good for children, especially when they start attending school. We hope school will teach them to look for the right information instead of memorizing that information as it was in the non-digital times."

In one of the visited families, mother and father hold a very positive approach to digital technologies – parents realize the importance of being familiar and having the knowledge to use them in the nowadays information society. Especially the father wants to introduce children the various possibilities of use. For instance, he showed them how to make a Skype call, how to play games, how to code with a program language for children "Scratch". Through Cardboard 3D he showed them the solar system. On one hand, children are fascinated with what they see. On the other hand, they still prefer offline activities and parents playing with them. Father believes that when they grow a little, he will be more successful with his efforts. Mother plans to get more engaged in introducing them to various educational applications when they reach the age of eight, nine.

DISCUSSION: BALANCING CONCERNS WITH OPPORTUNITIES

Apart from feeling in control of children's technology use, sometimes the lack of concerns in the discourse of parents could be understood by how they balance the risks of digital technology with its opportunities. (Livingstone, 2013) The most frequent opportunities for children mentioned are educational opportunities (especially for learning English) and quality family time around technology. Playing together, with digital technologies involved, is another recurring family activity that showed up during the interviews – either between siblings, or between parents and sons / daughters, either side-by-side or one after the other, teaming in the same account, sharing **advice**. Most of the parents believe and practice co-use. In this regard, digital technologies are seldom used as a part of punishment-reward system.

In all three countries parents are concerned with time screen and the derived health problem of overuse. While almost everywhere time-restrictive parental mediation practices (Chen, Cheng, 2016) are in use, parents still mention health related problems as an echo of media panic discourse. (Drotner, 1999) In Slovenia, addiction as a psychological deviation was mentioned as a problem. While parents have the overuse concern hanging over their heads, being in control of it is seen only as a temporary situation. Most of the parents still mention it either as a future concern, or as other families' problem. Called third-person effect (Perloff, 2002), or optimistic bias (Cho *et al.*, 2010), this discursive approach of public worries that are circulated by media shows the fragile situation of parents caught between media discourse and their understanding of their specific current situation.

Whereas in Slovenia and Portugal sometimes parents state it explicitly that they are not concerned with inappropriate content, in Romania this is an issue many parents mentioned, not related with sexual content, but with the ubiquities of violence. This could be due to the fact that in Romania the issue of media violence and its impact on children is relatively new, occurring only after 1990 (with the fall of the communist regime) as before the scarcity of TV content broadcasted and the state censorship made the topic irrelevant. (Velicu, 2012) The deconstructed discourse of such media panics are not yet present, and therefore Romanian parents are pressed by this panic-loaded discourse. As we noticed before, the concern for in-appropriate content pairs sometimes with concerns on algorithms-based suggestions for online content made available by some internet platforms resulting in a more genuine, present and personal parental concerns. (see also Mascheroni, 2018)

Although parental concerns for inappropriate content rely on 'children's right to innocence' assumption, our data showed that not all the inappropriate content is treated likewise by parents. Whereas for violent content parents actively engage in a 'purging' activity aiming to clean as much violence as possible from the online content children access, regarding the sexual content they do not pursue a similar strategy. In this case parents declared being satisfied if children do not actively search for this kind of content, a sense of fatality and resignation being associated with children's accidentally exposure to this type of content. This difference could be explained by the fact that, as Buckingham and Bragg (2004) noticed, while many studies searched for the effect of media violence on children, very few actually approached the effect of sexual content and pornography on children and even less on young children. Moreover, as other studies have shown, children do develop effective strategies to cope with the unwanted sexual content (d'Haenens, Tsaliki, 2012), a not so concerned attitude from parents' part being therefore welcome.

Studies showed that risks and opportunities of the internet go hand in hand; children that are more exposed to online risks being the same with those who are more prone to taking advantage of online opportunities. (Livingstone *et al.*, 2011) Our data showed that parents align with these conclusions and deem some risks as acceptable (*i.e.* not subject of concerns), as they considered them balanced by the opportunities technology offers to their children, in general related to the children's current academic achievement (*e.g.* learning English). Nonetheless, there are different narratives, depending on if the technology is used in school or not. Thus, if there is a school request for using digital technology from the first grades, parents have a good opinion on technology and allow children to use it more willing (Portugal case), whilst in Romania and Slovenia, there is no such a request. Therefore parents tend to see children's use of technology having a rather negative impact on school grades, except when the parent knows for sure that children use some educational app.

Another opportunity that parents from all countries evoked is the family quality time around technology. While in Portugal and Romania this is framed as parents and children finding a common ground for sharing and co-using (Livingstone *et al.*, 2011), in Slovenia this seems to be a conscious form of parental mediation that aims to increase children's trust in parents and their knowledge about the internet. Thus, Slovenian parents aim to establish a trust base on which to open the communication with the child acknowledge children's agency and manifest a 'child-centered approach to socialization'. (James, 2013)

In line with other studies that highlight the parental concerns with children being prepared for a digital future (Blum-Ross, Livingstone, 2016), parents acknowledge the importance of technology in children's future and with this incentive are more willing to deal with current concerns.

Parents expressed a strong sense of nostalgia for their own childhood. Although they do not directly blame digital technology for this loss, they nevertheless opposed the nature / outdoor time with technology-based time. As such, the reading of this nostalgic discourse in terms of media panics theory (Drotner, 1999) in which everything that is new menaces 'the old good time', seems to be appropriate.

CONCLUSION: PARENTAL CONCERNS – INHERITAGE OF MEDIA PANIC BALANCED WITH PROPER EXPERIENCES AND KNOWLEDGE

Most of the parents tend to mild their concerns in the light of their own experience with digital technology and their parental mediation strategies. Indeed rare are the parents that categorically say that digital technology is entirely 'bad' or 'good' for their children under 8 years old.

Thus, parents in general contextualize their views about digital technology (what, when, where). Most of the time the 'good' part of their account rely on personal and direct experiences whereas the 'bad' part is mainly an echo of general public fears and concerns. Accounts of real concerns are present in the interviews when the family had to face a real and tangible problem like negative signs of overuse of digital technology by one member of the family at a point that would impact the well-being of the entire family or behaviour linked to the use of the technology that would shock the family values.

Despite witnessing panicard discourse about technology and its influence on children in media and in public space (Mascheroni *et al.*, 2014), the parents we interviewed seem to be able to contextualized it into their own situations and reduce their level of declarative concerns following their parenting strategies that can be enabling or restrictive; participative or protective. What exactly shapes these strategies was not the object of this study to look at, but we can advance as an hypothesis for a future study the idea that, among others, parental digital skills

have a role to play in parental decisions. Moreover, the parental strategies are probably influenced by the image parents have on childhood in general.

At a practical level, these results confirm Buckingham and Jensen (2012) ideas, showing that parents are not as irrational as media panic theory sometimes consider, but that even though sometimes influence by some public discourses in respect with what should be concerned with, they digest them related with their own family. Another thing that emerged from this study was that parents need a space to confront their own concerns with similar parents or with more evidence based data.

From a methodological point of view, the presented study is an exploratory study, including ten families per country. Hence, the discussed results are in-depth insights in the lives, practices, concerns and behaviors of these families. Would we attempt to make broader conclusions and generalizations, these results could be used as a starting point for designing a measurement tool that could enable us to conduct a representative survey to determine how our current results could be transferred and applied to a wider range of families across countries.

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UNIUNEA CONSENSUALĂ – DILEMA UNEI LEGALIZĂRI. O ABORDARE SOCIO-JURIDICĂ

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ABSTRACT

CONSENSUAL UNION – THE DILEMMA OF A LEGALIZATION. A SOCIO-LEGAL APPROACH

The issue of consensual unions in Romania has been little studied and conceptual fluctuations have often led to contradictory conclusions regarding the way of manifesting of couples who refuse or delay marriage. The studies carried out in the field are very few, and they are materialized in several theoretical sub-chapters of general character that are presented tangentially in books that develop topics regarding conjugality. Most of the texts written about the consensual union make a comparative approach, opposing the marriage to the new forms of manifestation of the conjugal life, not being the consequence of sociological or psychological studies in the field. From a legal perspective, the problem of the consensual union has been assigned a greater importance, given the provisions of the Civil Code starting in 2011 when the engagement from the legal perspective was recognized for the first time, as well as the previous legal controversies regarding its legal legitimacy (art. 266, paragraphs 1 and 5).

The study aims to comparatively analyze the European laws regarding the consensual union with the Romanian legislative proposals in this regard. It also makes a comparative analysis of marital functionality to identify common elements, but also those that mark the differences between the states that have legalized the consensual union and Romania, with a greater focus on the French space, due to the consistent legislative influences on the family in the Romanian Civil Code.

Keywords: consensual union, legislation, homo-parenthood, conjugality, marriage.

INTRODUCERE

În acest moment, sociologia cunoaște două mari resurse statistice naționale care pot fi folosite pentru studierea uniunii consensuale, ambele, însă, cu reținerea

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acelorași fluctuații conceptuale în ceea ce privește concubinajul ca alternativă la căsătorie versus concubinajul înțeles ca o simplă stare premaritală: *Recensământul populației, 2002* și *Viața de familie*, Soros, 2008.

Conform datelor obținute în urma Recensământului populației din anul 2002, în România s-au declarat a fi în uniune consensuală 338 136 de cupluri, ceea ce înseamnă o pondere totală de 3,9 %, cu o distribuție mai mare în mediul rural (4,6 %) decât în cel urban (3,2 %).

Problema tehnică vizibilă în studiile sociale prezente poate fi concretizată în faptul că niciun instrument de cercetare nu a făcut diferența între uniunea consensuală ca alternativă la căsătoria legitimă și mentalitatea uniunii consensuale ca stare premaritală. Așadar, datele statistice existente sunt relative.

Analiza datelor Recensământului din 2002 evidențiază prezența fenomenului de coabitare cu o creștere substanțială imediat după perioada studiilor liceale, în jurul vârstei de 20 de ani (de la 7 040 la 51 407 persoane) și o scădere semnificativă începând cu perioada vârstei medii la căsătorie (de la 74 407 persoane aflate în uniune consensuală la 67 586 persoane). Or, frecvența acestor date arată mai degrabă un „concubinaj” ca stare premaritală decât o alternativă la mariaj.

Uniunile consensuale „târzii”, adică relațiile care depășesc pragul vârstei medii la căsătorie cunosc o cădere sub aspect statistic cu 43,39 % într-o perioadă, relativ scurtă, de doar cinci ani.

În sensul în care ne sunt prezentate datele statistice, putem vorbi de o evidență a coabitării consensuale, cu precădere la vârsta tânără, care nu apare ca o atitudine situată în opoziție față de căsătorie, ci ca o manifestare anterioară acesteia, din diverse motivații diverse (subiecți prea tineri sau prea bătrâni, construirea unei cariere înainte de mariaj, perioada scurtă de cunoaștere mutuală etc.).

Ultimele cercetări naționale realizate de SOROS în anul 2008 arată că 69% dintre cei intervievați consideră că „este bine ca un cuplu care intenționează să se căsătorească să locuiască înainte împreună” (*Viața de familie*, 2008), ceea ce demonstrează, de fapt, necesitatea unei stări premaritale (de multe ori confundată cu uniunea consensuală), perioadă în care partenerii se cunosc, interacționează, construiesc elemente de solidaritate etc.

Stadiul actual al cercetărilor își limitează abordarea la nivelul identificării relațiilor de uniune consensuală indiferent de percepții și forma lor de manifestare. Ele nu rezolvă problema conceptuală pentru a identifica ponderea celor care doresc o alternativă juridică pentru mariaj. Studiile actuale rămân repere primare pentru cercetări în domeniul mentalităților postmoderne de conviețuire conjugală, deoarece arată, în primul rând, o preocupare pentru noi modalități de a înțelege cuplul conjugal.

1. CONTEXUL LEGALIZĂRII UNIUNII CONSENSUALE ÎN EUROPA – O ISTORIE SOCIALĂ

Primele tensiuni sociale din Europa cu privire la recunoașterea juridică a cuplurilor de același sex și a tuturor celorlalte drepturi care decurg din aceasta (avantaje fiscale, drepturi de succesiune, drept de asistență socială) au început pe la jumătatea secolului trecut, iar prima legalizare a avut loc cu circa 40 de ani mai târziu (în iunie, 1989, în Danemarca).

În majoritatea țărilor care au legalizat concubinajul, timpul scurs de la prima propunere juridică și până la legalizarea propriu-zisă a fost de aproximativ 20 de ani, deși manifestările sociale asociate dorinței de legalizare au fost și mai lungi. Nicio țară europeană nu a legalizat uniunea consensuală fără reacții sociale dure. Fiecare legislație propusă pentru legalizare a stârnit reacții juridice și sociale în opoziție cu proiectele propuse pentru autentificarea relațiilor conjugale între persoane de același sex.

Danemarca este, așadar, prima țară din Europa care a legalizat uniunea consensuală. Interacțiunea dintre stat și societate a început să dea roade prin 1968, deoarece partidul socialist a propus un set de modificări legislative, printre care și cele care vizau problema mariajului și a cuplurilor homosexuale. Și, pentru că rezistența socială a fost puternică, a fost constituită o nouă comisie pentru „concubinajul fără mariaj”, pentru a rezolva dificultățile juridice de conviețuire ale persoanelor de același sex. Comisia a predat un raport în anul 1980, în care principala concluzie a fost aceea de a modifica în manieră favorabilă drepturile succesoriale ale concubinilor, independent de sexul partenerilor (Mécary, Leroy-Forgeot, 2000: 18).

În acest context, în iunie 1989 a fost votată legea „parteneriatelor înregistrate”, intrată în vigoare la 1 octombrie 1989, în mod deosebit pentru cuplurile de același sex.

În Franța, printre primele experiențe care au motivat comunitățile de homosexuali să ceară legalizarea relațiilor lor, două par mai evidente. Prima dintre ele este considerată cea a unui steward de la compania Air France, căruia i s-a refuzat de către companie să beneficieze de un bilet pentru partenerul său de viață, deși statutul companiei prevedea că biletele sunt acordate „partenerilor căsătoriți și concubinilor din uniunea liberă”.

A doua situație este cea a unui cuplu format din două femei, una dintre ele cerând beneficiile de asigurări sociale de care beneficia partenera sa în baza legii din 2 ianuarie 1978, care prevedea aceste drepturi pentru cuplurile căsătorite. Desigur, instanța pentru securitate socială i-a respins cererea, motivând că drepturile sunt asigurate doar pentru cuplurile heterosexuale (ibidem: 87). În viziunea condițiilor juridice de protecție socială de atunci, drepturile de „indemnizație de companie” erau posibile doar atunci când concubinajul era heterosexual și neadulterin. De asemenea, din anul 1970 erau admise și criterii pentru compensațiile materiale ale concubinajului: diferența de sex, existența unei

relații sexuale, comuniune de viață, stabilitate, longevitate și garanția de a fi o uniune recunoscută de mai mulți („la notoriété de la relation”) (Mécary, Leroy-Forgeot, 2000: 86).

Or, orientarea concubinajului exclusiv spre cuplurile heterosexuale a constituit unul dintre factorii care au stimulat minoritatea sexuală să reacționeze în vederea legalizării concubinajului pentru partenerii de același sex. Așadar, dacă legislațiile anterioare căutau, în baza dreptului comun, să recunoască drepturi ale concubinilor „stabili și adulterini”, mișcarea homosexuală a construit o strategie prin care urma să se pretindă drepturi egale pentru toate categoriile de cupluri. Astfel, imediat după al Doilea Război Mondial, un grup de lesbiene au construit o revistă (*Arcadia*), care avea să promoveze mesaje precum „Eliberarea femeii: anul zero” și să facă manifestații de stradă etc. În acest sens, în 5 martie 1971 au sabotat mitingul antiavort „Laissez-les vivre”, iar cinci zile mai târziu emisiunea radio intitulată „L’homosexualité, ce douloureux problème” (Homosexualitatea, această problemă dureroasă). Tot *Arcadia* a acceptat să publice texte pentru promovarea propriilor orientări sexuale, sub titlul *Scrisoare către cei care se cred normali*, declarând că *Noi suntem femei cu un covor moral pe care vă ștergeți voi conștiința!* (FHAR, 1971: 9). Tot în acest număr al revistei au fost publicate și articole pentru susținerea avortului și a contracepției.

Societatea anilor ’70 a sancționat foarte dur intervențiile ulterioare ale feministelor heterosexuale pentru susținerea libertății de exprimare sexuală, acestea fiind catalogate drept „toate lesbiene” (*toutes lesbiennes*) și „prost iubite” (*mal baisées*) – Chauvin, 2005: 117.

Datorită tensiunilor create în urma acestor polemici, prin anii ’90 strategiile homosexualilor au fost regândite și reorientate în jurul ideii de urgență umanitară împotriva SIDA. Strategia avea într-adevăr o consistență politică tipică acelei perioade în care au fost dezvoltate proiectele de legalizare a uniunilor civile, apoi a PACS-ului, și au avut impactul dorit. Astfel, pe la mijlocul anilor ’90, argumentele umanitare au permis un mai mare acces al problematicei homosexuale în sfera dezbaterilor sociale și politice, impulsionate de intelectuali și de femeile politice lesbiene (Chauvin, 2005).

Astfel, după mai multe încercări de a proiecta juridic uniunea consensuală, în ziua de 15 noiembrie 1999 Franța a legalizat Pactul civil de solidaritate.

În Germania, influențele legislative primite din dreptul francez au stimulat din ce în ce mai mult cuplurile de homosexuali să facă demersuri pentru a cere obținerea recunoașterii juridice și a statutului social. De fapt, cuplurile homosexuale reclamau discriminarea de a li se refuza avantajele acordate cuplurilor căsătorite heterosexuale. Evidența nevoii de adaptare legislativă, pe de o parte, pentru a completa legislația germană în conformitate cu interdicția discriminării, prevăzută de Legea Fundamentală germană, și, pe de altă parte, pentru a evita o condamnare din partea Curții europene a drepturilor omului, s-a impus rapid.

Ca o diferență față de legislația franceză, legislatorul german nu a optat pentru un pact civil comun, deschis atât cuplurilor heterosexuale, cât și homosexuale, ci a ales să acorde un statut propriu cuplurilor homosexuale, oferindu-le posibilitatea de a încheia un „parteneriat de viață” (*Lebenspartnerschaft*) asemănător mariajului heterosexual. În acest sens, „*Legea care pune capăt discriminării concubinajelor homosexuale și care instituie parteneriatul înregistrat*” (*Gesetz zur Beendigung des Diskriminierung gleichgeschlechtlicher Lebensgemeinschaften*) a fost votată în 16 februarie 2001 și s-a numit „*Lebenspartnerschaft*” (*Legea pentru parteneriatul de viață*) – (Wenner, 2005).

În mod ușor diferit, Belgia a cunoscut și ea aceste frământări. Presiunile subiecților LGBT au fost evidente, iar reacțiile sociale pe care le-au generat aceștia au determinat întregul Parlament să reacționeze.

În ceea ce privește legalizarea concubinajului în Belgia, istoria socială are o nouă direcție. Ea este redimensionată politic, devine o resursă pentru partide și are consecințe electorale.

Parcursul parlamentar care a deblocat prin vot instaurarea în Belgia a statutului de coabitare legală va fi, ca și pentru legalizarea mariajului homosexual, un fel de „compromis al Belgiei”. Astfel, prin Decretul Regal din 14 decembrie 1999, se stabilea că statutul legal al coabitării va intra în vigoare de la 1 ianuarie 2000. Totuși, legea nu a condus la o aglomerare de cereri de legalizări de parteneriate, parteneriatul fiind mai mult simbolic decât practic. Trecerea de la concubinaj legalizat la mariaj homosexual a devenit în timp strategia partidelor politice care au înțeles potențialul electoral al comunităților homosexuale.

În anul 1999, cuprins de febra electorală, în Parlamentul belgian s-au înaintat mai multe propuneri de lege pentru legalizarea mariajului, indiferent de tipul de parteneri și de orientarea lor sexuală.

„Gouvernement Arc-en-ciel” s-a văzut pus în fața unor mari conflicte politice din cauza multitudinii punctelor de vedere cu privire la acest aspect. Controvestele plecau de la disputa legalității unui cuplu necăsătorit de a adopta un copil. Atunci, în coaliția „Arc-en-ciel” s-a propus o variantă de compromis, prin modificarea Codului civil belgian, care preciza în articolul 346 că doar soții căsătoriți pot adopta un copil.

Problema coaliției a început atunci când s-au adus în discuție idei cu privire la adopția copiilor de către partenerii necăsătoriți. Majoritatea socialiștilor și a ecologiștilor au susținut opinia conform căreia un copil poate fi adoptat atât de un cuplu de sex diferit, cât și de un cuplu de același sex. Marea majoritatea a liberalilor nu au fost de acord cu această propunere, iar compromisul politic a constat în acceptarea mariajului homosexual cu pretenția interdicției dreptului de adopție (Renchon, 2005).

Manifestându-se cu un alt debut, în Suedia prima formă a concubinajului acceptat juridic a fost autenticată de Biserică. Astfel, partenerii se puteau căsători doar religios, iar Biserica transmitea autorităților publice acest nou statut social,

care le oferă drepturi juridice (Joyeux, 2009: 93). Aceasta a reprezentat o primă strategie a Suediei, prin care transporta presiunile sociale ale comunităților de homosexuali în zona religioasă. Ulterior, autentificarea uniunii consensuale a trecut în grija statului.

2. UNIUNEA CONSENSUALĂ ȘI DINAMICA EI SOCIO-JURIDICĂ

Legalizarea uniunilor consensuale nu reprezintă doar un act în sine care ar recunoaște o stare de fapt, ci un sistem juridic complex, cu o gamă largă de consecințe juridice, fiscale, patrimoniale, parentale și sociale.

Dacă, în primele faze de legalizare, uniunea consensuală în diferitele ei forme era doar un set de provocări naționale, generalizarea acestui fenomen la nivelul Europei a condus spre o tendință de adaptare internațională a sistemelor legislative în așa fel încât să fie permise asocierile conjugale între parteneri care provin din țări diferite. În același timp, o parte importantă dintre țările care au această experiență au căutat să prevină turismul conjugal, prima țară care și-a asigurat resursele juridice pentru a nu deveni „*un nou Las Vegas*” fiind Danemarca (Lund-Anderson, 1998: 339).

Legalizarea uniunilor consensuale în Europa a avut la bază o mentalitate postmodernă, centrată pe individualism, fiecare proiect de lege stabilind drepturile personale, obligațiile, clauzele speciale, regulile de partajare a bunurilor, drepturile succesoriale și formele disoluției. În contrasens cu sistemul internațional, propunerile României pentru legalizarea uniunii consensuale au avut la bază prevederile Codului Familiei, demonstrând faptul că mentalitățile românești cu privire la viața conjugală nu sunt atât de avansate pentru a putea susține cadre socio-juridice specifice legalizării unei alternative la mariaj. Proiectele românești propuse legalizării concubinajului s-au situat departe de stipulările juridice ale legislațiilor internaționale, cu care, cel puțin teoretic, ar fi trebuit să fie asortabile, pentru a permite parteneriatele între persoane de naționalități diferite.

Cu privire la forma juridică de legalizare a uniunii consensuale, sistemul juridic francez precizează faptul că uniunea consensuală (*Pacte civile de solidarité*, scris, de regulă, sub abrevierea PACS) poate fi realizată „*între două persoane majore de sexe diferite sau de același sex pentru a-și organiza viața în comun*” (art. 515–1 din Codul Civil), iar prima interdicție este aceea de a nu realiza o uniune legală între rude până la gradul al IV-lea. El mai prevedea condițiile de consimțământ, de vârstă, monogamie și viața comună, deși obligativitatea locuirii împreună nu a fost bine precizată juridic (ea fiind limitată la formularea „*locuință comună*”).

Spre deosebire de sistemul francez, în legislația Germaniei și a Ungariei parteneriatele civile au fost construite inițial doar pentru cuplurile de homosexuali. Aceeași legislație germană prevedea punctual ca aceștia „*să-și organizeze și să-și*

considere viața împreună”, dar și să aibă în vedere obligația de fidelitate, condiție care nu apare între imperativele legii franceze (Wenner, 2005: 61–62).

Inițial, unul dintre amendamentele parlamentare franceze care au fost prevăzute în propunerea legalizării (unice în toate propunerile europene de legalizare) viza și „pacs-area” fraților și surorilor, dar el nu a fost acceptat (Pillebout, 2000: 14).

Constituirea PACS-ului se realizează în fața grefierului tribunalului de instanță de pe raza căruia face parte unul dintre parteneri sau din zona de reședință a cuplului. Partenerii trebuie să dea o declarație scrisă care însoțește contractul propriu-zis de uniune consensuală. Convenția este înregistrată într-un registru special și prevede unele date contractuale ale celor doi parteneri. Pentru autentificarea unei relații dintre un străin și un cetățean francez se apelează la reprezentantul diplomatic sau consular francez din aria de jurisdicție a rezidenței comune a celor doi parteneri.

Spre deosebire de PACS, sistemul juridic englez nu autentifică parteneriatul civil într-o singură etapă. În prima fază se înregistrează cererea de parteneriat, apoi era stabilită data și locul autentificării, după care urma o altă etapă de așteptare, în care se verifica dacă suma clauzelor trecute de parteneri se afla în concordanță cu legile statului. Abia apoi partenerii primeau un atestat de eligibilitate cu o valoare de maximum 12 luni. Dacă, în tot acest răstimp, partenerii nu își oficializează relația, atestatul devine nul, iar procedura de realizare a parteneriatului trebuie luată de la început (Fluss-Diem, 2005: 71).

În această privință, legislația belgiană pare cea mai relaxată. Autentificarea contractului de uniune civilă se face prin depunerea unui dosar la primărie, care are la bază un formular tipizat. Belgia este singura țară europeană care nu a construit un registru special pentru a înregistra separat contractul de uniune civilă, iar faptul că nu a simțit nevoia să facă diferența între aceste categorii sociale s-a observat ulterior în faptul că s-a numărat printre primele țări europene care au legalizat mariajul homosexual.

Inițial, efectele PACS-ului francez au vizat legalizarea relațiilor și avantajele fiscale. Ulterior, legislatorii au fost nevoiți să adapteze la o serie întreagă de prevederi legislative, printre cele comune mai tuturor legislațiilor europene fiind și interdicția reproducerii asistate și a adopției.

Spre deosebire de proiectul de lege românesc, PACS-ul, precum și celelalte legislații europene, prevăd dreptul concubinilor la „ajutor mutual și material”, deși, în primele faze juridice, nu făceau nicio precizare cu privire la donații și moșteniri. Obligația ajutorului reciproc apare cu caracter general în toate legislațiile europene privind uniunea consensuală. În legea belgiană apare și obligația pensiei alimentare sau o delegație de somație pentru partenerul care nu-și asumă îndatoririle (Renchon, 2005: 91).

Ulterior, legislațiile au vorbit despre drepturile de moștenire, atunci când s-au adus în discuție drepturile asupra copiilor din relația de PACS (copii din mariaje

anterioare, adopția de către o singură persoană etc.), precum și de alte drepturi, precum: dreptul de ședere pe teritoriul țării respective pentru partenerul străin, obligațiile egale față de terți (rate, datorii contractuale), dreptul de transfer al contractului de închiriere a locuinței, dreptul de a beneficia de asistență socială în baza cotizățiilor partenerului care lucrează, dreptul de a vizita copilul, valabil pentru partenerul care a stat minimum doi ani alături de copilul celuilalt partener (trei ani, în cazul statelor nordice și în cazul Angliei), și dreptul de paternitate în urma decesului tatălui adoptator etc.

Mai atentă la detalii, legea germană a preferat prudența și a acordat partenerului un rol de „mică autoritate parentală” (*kleines Sorgerecht*), care îi conferea acestuia drepturi limitate. Această „mică autoritate parentală” putea fi limitată sau chiar anulată de către Tribunalul de Familie, în interesul copilului. În caz de disoluție, legea oferea posibilitatea menținerii relației cu copilul, cu condiția ca acest copil să fi petrecut suficient timp alături de cuplul respectiv (Wenner, 2005: 63).

Cu privire la dreptul de moștenire, legea franceză precizează că partenerul supraviețuitor are dreptul de a deține capitalul partenerului decedat, cu condiția ca partenerul supraviețuitor să nu fie separat de drept sau de fapt.

În același sens, legea slovenă afirmă că viața comună dintre doi parteneri conjugali de sex opus care nu sunt căsătoriți produce aceleași efecte ca și în cazul partenerilor căsătoriți (Devers, 2004: 105).

De asemenea, deși s-a încercat să se construiască o serie de cadre juridice specifice minorităților sexuale, legislațiile europene s-au lovit de anumite limite de percepție. Cu toate că șansele fuziunii juridice dintre partenerii homosexuali au devenit reale, totuși, situația transsexualilor a rămas incertă. În acest sens, Franța a avut o dilemă foarte mare cu privire la transsexuali, deoarece, conform legislației sale, posibilitatea căsătoriei este nulă. Codul civil a avut mult timp în dezbatere acceptarea schimbării de sex și problemele aferente în plan conjugal și s-a propus ca o persoană care dorește să își schimbe sexul să nu fi avut copii sau să nu fi fost căsătorită. Cu toate acestea, imperativul de a nu se căsători lovea în libertatea transsexualilor, care au căutat să facă presiuni în acest sens (Terré, Fenouillet, Hervé, Reiss, 2002: 9).

Analiza parteneriatelor înregistrate demonstrează că relațiile fără mariaj produc uneori efecte juridice foarte apropiate celor din mariaj. Astfel, în țările scandinave și în Spania, acordul încheiat între două persoane produce efecte care sunt, în general, apropiate căsătoriei, la fel cum ruptura se face la fel ca în cazul mariajului (Kairallah, 2002: 79).

În ceea ce privește dimensiunea morală a datoriilor, câteva legislații naționale nu au uitat să impună concubinilor obligații de ajutorare, de asistență și fidelitate reciprocă. Astfel, legea germană precizează că partenerii aflați în parteneriat civil au obligația de întraajutorare și asistență. Legea daneză impune ajutorul mutual și de protecție reciprocă a intereselor familiei (art. 1 din Legea nr. 628 din 15 septembrie

1986). Legea suedeză face precizarea că, atunci când contribuția unuia dintre parteneri pentru cheltuielile comune este insuficientă, celălalt partener trebuie să ofere banii necesari pentru a face față nevoilor personale (Legea nr. 230 din 14 mai 1987, art. 2, capitolul 6).

În alte situații, obligația de fidelitate se deduce din posibilitatea de a obține disoluția judiciară a parteneriatului înregistrat în caz de adulter. Aceasta înseamnă că, în cazul acceptării unei relații deschise, prezența infidelității poate să nu conducă la disoluție.

În Islanda și în Danemarca infidelitatea reprezintă o cauză pentru disoluție atât pentru mariaj, cât și pentru parteneriatul înregistrat. În dreptul olandez, când parteneriatul este dublat de un mariaj sau de o altă uniune, sancțiunea poate fi penală, deoarece este considerată bigamie. În dreptul francez, căsătoria celor doi parteneri sau a fiecăruia cu o altă persoană dizolvă automat PACS-ul realizat anterior.

În Olanda și Danemarca încălcarea impedimentului de a nu se căsători sau de a nu încheia un alt parteneriat este considerată bigamie și este sancționată penal (Devers, 2004: 55–56).

Inițial, legea daneză cerea, printre condițiile sale de legalizare a concubinajului, ca cel puțin unul dintre parteneri să aibă domiciliul în Danemarca și să fie cetățean danez. Aceste prevederi au fost stabilite inițial pentru a descuraja „turismul parteneriatelor înregistrate”. Ulterior, în anul 1998, a fost depus un nou proiect de lege, intrat în vigoare la 1 iulie 1999, care prevedea de atunci încolo că doi parteneri de altă naționalitate își pot oficia un astfel de parteneriat dacă au rezidență în Danemarca de minimum 2 ani (Lund-Andersen, 2003: 13).

În ceea ce privește separarea juridică a concubinilor, sistemul francez pare cel mai libertin dintre toate legislațiile internaționale. Inițial, regulile disoluției erau atent monitorizate și analizate. Dacă nu exista un motiv care solicita urgentarea disoluției, procedura dura minimum trei luni de la data semnării declarației de disoluție. Ultimele prevederi legislative permit fiecărui partener să trimită prin poștă o scrisoare prin care cere disoluția la tribunalul unde a fost autentificat PACS-ul, iar în momentul primirii scrisorii parteneriatul devine nul. Disoluția rezultă în urma unei declarații comune a partenerilor, dată grefierului de la tribunalul de instanță sau printr-o declarație unilaterală semnată de unul dintre parteneri (Codul Civil, art. 515–517). În cele două cazuri, declarația de încetare a PACS-ului trebuie consemnată în registrul ținut la tribunalul de instanță.

În Islanda și Suedia, disoluția parteneriatelor înregistrate presupune o procedură judiciară realizată prin analogie cu principiile de aplicare valabile pentru procedura divorțului. În contrast față de sistemul legislativ islandez și cel suedez, dreptul francez și cel belgian nu au instaurat o procedură de disoluție a parteneriatului înregistrat, precum în cazul căsătoriei.

Legea belgiană prevede că partenerii care vor să se separe trebuie să dea o declarație în fața ofițerului de stare civilă din zona de domiciliu a partenerilor sau

din zona de domiciliu a partenerului, prin care să se solicite disoluția cuplului (Codul Civil, art 14776, §2, alin. 2). Așadar, este suficientă completarea unei declarații scrise *contre réception* („cu confirmare de primire”) de la ofițerul de stare civilă al primăriei de care aparține cuplul respectiv, chiar și fără o perioadă de preaviz (Renchon, 2005: 95).

Spre deosebire de legislația franceză, sistemul dreptului englez nu admitea disoluția partenerilor în forma unilaterală sau prin acordul părților, ci era impusă autoritatea judiciară. Parteneriatul civil putea fi anulat cu nulitate absolută pentru încălcarea unor dispoziții legale, precizate în art. 3 din lege, precum: identitatea sexuală, relație de rudenie existentă, condițiile minime de vârstă, vicierea condițiilor de notificare prealabilă, înregistrarea parteneriatului în alt loc decât cel prevăzut. Aceste condiții devin motive de nulitate a relației în decursul primilor trei ani de conviețuire legală, apoi ele sunt prescrise (Fluss-Diem, 2005: 80).

3. HOMOPARENTALITATEA – DILEMĂ JURIDICĂ ȘI MORALĂ

Una dintre dilemele mari asociate legalizării uniunii consensuale în Europa a fost și homoparentalitatea. Deși nu au anticipat-o de la început, existența copiilor în cuplurile de același sex nu a putut fi ținută sub control. Astăzi aproape toate legislațiile europene rămân „vulnerabile” homoparentalității, chiar și atunci când cuplurilor de același sex li se interzice juridic dreptul de adopție. Inițial, toate legislațiile europene cu privire la legalizarea concubinajului interziceau adopția și reproducerea medicală asistată pentru cuplurile de homosexuali, însă nicio legislație europeană nu a putut interzice adopția de către o singură persoană. Așadar, reacția strategică a partenerilor homosexuali a fost să solicite adopția ca persoană singură. În acest mod, calitatea de părinte aparținea legal unui singur partener, însă relația cu copiii era dezvoltată de ambii parteneri. Începuturile acestor proceduri au stârnit reacții dure din partea heterosexualilor, reacții care au avut și efecte în consecință – stimularea comunităților de homosexuali de a cere dreptul de adopție.

De remarcat este și faptul că, deși experiența legalizării este longevivă pentru multe țări, unele dintre ele permitând și adopția, indiferent de orientarea sexuală a adoptatorilor, totuși dilemele morale, polemice și opozițiile n-au încetat niciodată (Terec-Vlad, 2015).

O altă cauză care a generat fenomenul de homoparentalitate a reprezentat-o o categorie mai rară a partenerilor, care, în căutarea identității sexuale, au avut, în primele faze de dezvoltare conjugală, relații cu un partener de sex opus, din care au rezultat copii. Dilema morală a unor astfel de situații a fost și mai mare. Societatea cerea scoaterea copilului din mediul homosexual, acțiune care ar fi echivalat cu separarea copilului de părintele natural, ceea ce a condus la un alt set de polemici și forme de manipulare de ambele părți.

Polemicile acide dintre cele două grupuri (susținători LGBT sau susținători heterosexuali) au fost generalizate în toate mediile sociale. În argumentările lor, susținătorii LGBT se întrebau retoric dacă nu cumva și *copiii crescuți de mamă și sora acesteia sau de tată și un frate au aceleași probleme de integrare socială*, în timp ce susținătorii heterosexualității acuzau faptul că homosexualii nu sunt născuți din homosexualitatea lor. Deși forma aceasta de manipulare a redus la tăcere o categorie largă de contestatari, totuși ideea susținerii familiilor de origine (care, în retorica partenerilor de același sex, simula un cadru funcțional asemănător cuplurilor homosexuale) este diferită: tatăl cu un frate sau mama cu o soră dezvoltă un set de funcții de susținere a copiilor în procesul de creștere, educație și integrare socială, în timp ce un cuplu homosexual are altă structură funcțională care îi definește relația din interior. Teama de devianță sexuală, de socializare defectuoasă, din cauza lipsei modelului matern sau patern, de frustrare, de integrare socială dificilă etc. a generat polemici frecvente pentru situația homoparentalității, la care se pare că nu s-au mai oferit contraargumente.

Cu toate acestea, câteva țări scandinave, precum și Olanda au autorizat partenerii înregistrați ca homosexuali să adopte împreună un copil. Ca efect, legalizarea unui fenomen într-un stat are ca efect stimularea legalizării sale și în statele vecine. Astfel, începând cu Amendamentul nr. 360 din 2 iunie 1999, legea daneză prevede că partenerii înregistrați pot adopta împreună un copil, mai puțin atunci când este vorba despre unul venit dintr-o altă țară (Lund-Andersen, 2003: 13).

La fel, legea islandeză dispune că o persoană aflată într-un parteneriat înregistrat poate adopta un copil cu partenerul său, dacă acel copil adoptabil nu provine din alt stat (art. 6, alin. 1 din Legea 87 din 12 iunie 1996). Legea olandeză mai face precizarea că posibilitatea adopției se oferă doar cuplurilor care locuiesc împreună de minimum trei ani (Cod Civil, art. 1: 228(2)). Cererea de adopție poate fi făcută după ce, în prealabil, timp de minimum un an, adoptatorul a locuit și a îngrijit acel copil (Cod Civil, art. 1: 228(1)).

Cu toate acestea, una dintre marile provocări pentru adopție o reprezintă și problema cuplurilor mixte din țări cu legislații diferite. Un astfel de caz este cel al unui concubin italian căruia i-a fost refuzat dreptul de adopție a unui copil francez, pentru motivul că legislația italiană (Legea 184 din 1983) interzice adopția de către o persoană singură. Astfel, deși legislația franceză era mult mai permisivă decât cea italiană, totuși, efectele morale, sociale și juridice nu s-au dorit a fi asumate de către legislatorul francez – astfel, nulitatea juridică a unei calități parentale în spațiul italian plasa copilul într-o situație de vulnerabilitate severă pe toată perioada șederii cuplului în Italia.

Într-o perioadă largă, cea a construcției juridice, a formării și a reformării legislative în vederea accesului la adopție a cuplului de același sex au existat anumite goluri în sistemul dreptului internațional, care au permis anumite speculații. În problematica studiată de noi, unele state acceptă adopția pentru o persoană singură, altele nu o blochează. Și, deși legile sunt clare, în caz de

incompatibilitate legislativă, anumite persoane preferă să obțină, în timp, altă naționalitate, care să le permită acest lucru pe fondul faptului că majoritatea statelor nu au texte legislative pentru a pedepsi aceste tentative de fraudă (Devers, 2004).

În ceea ce privește conviețuirea cu partenerul de același sex, femeile au fost întrebat cum cred că ar fi optim să se rezolve problema „homoparentalității”, iar varianta cu cea mai mare pondere a fost alegerea unui model de compromis, cu un genitor care să joace un rol de referent masculin și să-și exercite funcțiile de tată (Descoutures, 2008). Plasarea unui tată cu rol de genitor în afara mediului conjugal în care se dezvoltă copilul implică însă un alt set de dileme morale, prin construirea unei imagini disolute a unei familii separate de diferențe structurale de fuziune conjugală. Pe de altă parte, prezența secvențială a părinților în procesul de educație și integrare socială a copiilor poate constitui o altă dilemă care ține de dezvoltarea lor psiho-fizică, intelectuală, morală și socială.

În România, Legea nr. 273 din anul 2004, art. 2, privind regimul juridic al adopției, republicată în 2012, are aceeași formă sensibilă, definind adoptatorul ca fiind „persoana care a adoptat sau dorește să adopte, în condițiile prezentei legi”.

În țara noastră nu sunt cunoscute astfel de situații de homoparentalitate, chiar și în situația unei legi flexibile pentru strategia descrisă mai sus. Mai mult, conform ultimului studiu european cu privire la gradul de acceptabilitate a adopției pentru cuplurile de același sex, statistica generală arată că, într-o proporție de 42 %, cetățenii europeni sunt de acord. Printre țările cu cel mai mare grad de dezacord se situează Malta (86 %), România (85 %) și Cipru (84 %), conform EOS GALLUP Europe, 2003.

4. UNIUNEA CONSENSUALĂ – O ABORDARE COMPARATIVĂ ÎNTRE ROMÂNIA ȘI FRANȚA

O analiză asupra legislației internaționale cu privire la uniunea consensuală și condițiile de legalizare a ei apare ca absolut necesară pentru înțelegerea corectă a fenomenului de uniune consensuală. În acest sens, trebuie să se identifice condițiile sociale specifice legiferării concubinajului, pentru a aprecia în mod comparativ experiența socială și juridică internațională cu tendințele României în această direcție.

O comparație corectă metodologic ar putea fi făcută cu legislația franceză a Pactului Civil de Solidaritate (legea din 15 noiembrie 1999, care a legalizat uniunea consensuală în Franța), deoarece o parte consistentă din Codul Familiei și, ulterior, una din Codul Civil românesc au fost direct influențate de Codul Civil francez. De asemenea, prima propunere pentru legalizarea uniunii consensuale în România a avut la bază prevederile generale ale Codului Familiei, așadar și-a fundamentat resursele pe elementele legislative de influență franceză.

În România, Recensământul din anul 2002 a contabilizat 6 012 916 cupluri, dintre care 86,2% sunt căsătorite (5 174 794) și 13,8% (838 122) sunt în

concubinaj. Or, de aici putem deriva o problemă tehnică de nivel național, deoarece în 2002 aplicarea chestionarului nu a fost făcută doar de specialiști în domeniu, care să explice diferențele dintre căsătorie și alternativele maritale și să evidențieze confuzia conceptuală cu privire la concubinaj (alternativă la căsătorie sau stare premaritală). Din acest motiv întrebările cu privire la uniunea consensuală nu oferă garanția percepției unei forme de conviețuire în alternativă cu instituția căsătoriei, din care să poată fi derivată ulterior necesitatea legalizării concubinajului.

În cercetările sale, Louis Roussel atenționa încă din 1989 asupra faptului că tendința ultimilor ani este orientată în jurul unei duble mișcări: pe de o parte, un fel de ezitare a cuplurilor de a intra în instituția căsătoriei și, pe de altă parte, o suplețe a legii, care, în spiritul legislatorilor, trebuia să atenueze această reticență. Așadar, putem spune că asistăm la o dublă dezinstituționalizare, una în comportamente, alta în legislația însăși. Observăm pe de o parte, dorința romantică de fuziune cu partenerul și, pe de altă parte, dorința de independență, condusă în anumite cazuri, până la individualism (Roussel, 1989: 126).

Deși putem vorbi despre o mentalitate mult decalată cultural, familia europeană fiind plasată, de cele mai multe ori, dincolo de reperele clasice ale modernității, ea fiind mai degrabă postmodernă (atât în manifestările concrete, cât și în legislația însăși), totuși, chiar și pentru România este evidentă evoluția spre un alt sistem marital, aflat, însă, pentru moment, doar într-o fază de construcție și adaptare.

De multe ori, schimbările legislative din România nu au fost extensia unor nevoi comunitare, ci, mai degrabă încercări de adaptare discretă la experiența juridică internațională. Dacă aspectele culturale, religioase sau strict cutumiare s-au voalat odată cu trecerea timpului, noile orientări juridice nu au răspuns întotdeauna unor strategii care să preîntâmpine anumite nevoi naționale. Spre exemplu, simplificarea procedurilor de divorț, în anul 1993, ar fi trebuit să conducă la o accentuare a divorțialității, așadar, la o creștere a numărului de divorțuri, extensie a unei legislații permissive, care oferea un acces mai ușor la divorț pentru cuplurile aflate în conflict. Astfel, dacă în anul 1993, rata divorțialității în România era de 1,37‰, anii următori au echilibrat divorțialitatea în jurul valorii de 1,5‰, România menținându-se printre țările europene cu cea mai mică divorțialitate. Or, același lucru se întâmplă și cu legalizarea concubinajului. Dacă în perioada 2010–2011 au fost aduse modificări legislative în ceea ce privește simplificarea procedurilor de divorț, totuși rata divorțialității scade de la 1,59‰ în anul 2011 la 1,4‰ în 2012‰ și la 1,27‰ în anul 2013, ultimul indicator național de divorțialitate înregistrând valoarea de 1,39‰ în anul 2018 (Insse.ro, 2019).

Pentru țara noastră, amânarea mariajului este dublată de fenomenul coabitării, o stare premaritală argumentată de cele mai multe ori cu idei stereotipizate care ar avea menirea să justifice o alternativă de moment pe care mulți o confundă cu uniunea consensuală. Evoluția juridică a legislației familiale în România arată și ea o relaxare, în sensul unei libertăți crescute, ușor orientată spre forme de mariaj din ce în ce mai mult contractualizate. Pretențiile de a construi contracte prenuptiale ar

putea reprezenta premise de bază menite să modifice consistent orientarea mariajului și, în același timp, a familiei. În contrapondere, articolul 360, alineatul 1 și 2 din Noul Cod Civil, cu privire la regimul separației de bunuri, nu este unul des utilizat de partenerii care se căsătoresc.

Cu toate acestea, dezinstituționalizarea în comportamente nu pare atât de evidentă în spațiul românesc, ceea ce ne plasează la o oarecare distanță de cadrul socio-juridic care a permis țărilor occidentale să asimileze comportamente și atitudini specifice unor forme de manifestare conjugală situate în alternativă cu căsătoria legitimă. Confundarea stării premaritale cu uniunea consensuală a reprezentat pentru legislatori baza argumentării necesității uniunii consensuale în România.

În cazul Franței, scăderea numărului de căsătorii din anul 1973 i-a făcut pe unii demografi să creadă că se asistă la o întârziere a vârstei tinerilor la momentul căsătoriei; în realitate, tinerele generații amânau celebrarea oficială a uniunilor lor, precedând-o de o nouă formă de uniune (logodnă). Scăderea nupțialității i-a constrâns să regândească această ipoteză, deoarece nu se evidenția pregnant o amânare, ci punerea în practică a unui nou comportament (Segalen, 2002: 131).

Acesta a fost debutul unei noi orientări sociologice și juridice în Franța – uniunea consensuală. De fapt, momentul zero al strategiilor pentru legalizarea uniunii consensuale în toată Europa a fost creat și stimulat de cuplurile de homosexuali care au stat la baza tuturor strategiilor, reclamând inechitatea socială.

5. PROPUNERI DE LEGALIZARE A CONCUBINAJULUI ÎN ROMÂNIA

Până în acest moment, România a cunoscut trei proiecte de lege pentru legalizarea uniunii consensuale, toate fiind respinse.

Prima propunere de lege pentru legalizarea uniunii consensuale în România este cea a lui Nicolae Păun. În acest sens, deputatul Nicolae Păun depune un proiect de lege în ziua de 26 martie 2002 (Pl 158 / 2002)¹. Inițiatorul considera că, „sub aspectul său civil, instituția căsătoriei este de dată relativ recentă, concubinajul existând, în schimb, atât înainte, cât și după căsătorie”. Motivațiile acestui proiect au fost urmărite de inițiator pe trei planuri: o protecție juridică a acestor cupluri, micșorarea numărului de copii abandonați și, prin extensie, o cheltuială mai mică a statului în această direcție și scăderea divorțialității. În ceea ce privește diminuarea numărului de copii abandonați, nu există date statistice internaționale care să confirme aceste afirmații. Orientarea generală a celor care doresc legalizarea uniunilor consensuale este una individualistă, așadar, conform acestor mentalități, un copil poate însemna diminuarea autonomiei, a independenței, a condiționării în ceea ce privește alocarea resurselor materiale etc. De asemenea, cheltuiala mică a statului în ceea ce privește susținerea viitoarelor cupluri

¹ http://www.cdep.ro/pls/proiecte/upl_pck.proiect?idp=3074.

consensuale legalizate este ușor utopică. Ponderea cea mai mare a copiilor provine de la cuplurile căsătorite sau de la cele care se vor căsători. Așadar, simpla autentificare juridică a uniunii consensuale nu presupune și stimularea spiritului parental, nu duce la un plus de responsabilitate în acest sens și nu ferește societatea de riscurile monoparentalității.

Experiențele internaționale ale tuturor țărilor care au legalizat uniunea consensuală arată că, asociate proiectelor de legalizare a concubinajelor, sunt anumite strategii economice de susținere, drepturi fiscale, drepturi sociale etc., toate solicitante de buget (dreptul de a beneficia de asigurare medicală al partenerului care lucrează, diminuarea taxelor pentru anumite categorii de cupluri, pensie de urmaș etc.). Or, aceste precizări cu impact bugetar nu apar în propunerile legislative românești pentru legalizarea uniunii consensuale, o excepție relativă fiind ultima propunere legislativă a senatorului Remus Cernea.

Practic, una dintre problemele generale ale proiectelor românești pentru legalizarea uniunii consensuale limitează totul la cadrul legislativ care atestă fuziunea legală între parteneri, însă nu fac referire la costurile asociate acestei stări de legalitate a cuplului consensual. Dilema morală, astfel, ține de faptul că drepturile de a fi împreună nu sunt dublate de drepturi fiscale și administrative (Terec-Vlad, 2016).

Spre deosebire de modelele europene, proiectul lui Nicolae Păun preciza că acest tip de uniune este admis doar pentru persoanele de sex opus (art. 2.1). Cu o formă simplificată de legalizare în fața notarului, regulile erau influențate de codul familiei: o vârstă mai mică de 18 ani la bărbați și de 16 ani cu dispensă pentru fetele care pot face dovada existenței relației de cel puțin un an înainte, fără întrerupere. Singurul imperativ al acestei convenții era interdicția de a încheia un alt contract de concubinaj mai devreme de 6 luni de la data notificării celui deja existent. Partenerii aveau obligația să contribuie în raport cu veniturile la cheltuielile de întreținere și, dacă unul dintre parteneri nu poate contribui financiar din motive obiective, „să-i poată fi rambursată suma [cheltuită de partenerul cu venituri] cu dobânda medie a pieței financiare”.

Proiectul avea și două prescripții care făceau referire la familie. Prima dintre ele este o copie a articolului 41 din vechiul Cod al familiei, care prevede dreptul la întreținerea partenerului (chiar și după încetarea căsătoriei), dacă acesta se află în incapacitate de muncă din vina celui alt partener. Articolul 16 al acestei propuneri de legalizare a concubinajului făcea o apreciere deosebită, care valida standardul ridicat al căsătoriei, al stabilității sale în raport cu uniunile consensuale: „dacă perioada de concubinaj depășește 10 ani, în sensul prezentei legi, concubinilor le sunt aplicate prevederile dreptului familiei prin asimilare cu instituția căsătoriei”.

Aceasta pare o apreciere interesantă pentru multe cupluri care sunt împreună de mai mult timp. Acceptând o astfel de legalizare a relației lor, ei vor primi, ca efect al stabilității lor, statutul de persoane căsătorite legitim. Este evidentă diferența de atitudine în cazul acestei orientări a concubinilor spre viața de familie,

ca efect al stabilității unei perioade de minimum 10 ani. Totodată, această precizare arată că nici în cazul acestui proiect de lege nu apare clar distincția între relația dintre doi parteneri ca stare premaritală și relația de uniune consensuală, ca alternativă la căsătoria legitimă, tocmai pentru că nu oferă posibilitatea opțiunii permanente pentru concubinaj (partenerii care nu ar dori un mariaj ar fi obligați să se separe juridic la sfârșitul celor 10 ani de concubinaj, pentru ca ulterior să contracteze un alt concubinaj, pentru a evita riscul asimilării la mariaj).

Regulile de disoluție a concubinajului exprimă încă o dată libertatea cuplului. Dacă, la momentul propunerii, legislația românească pentru divorț solicita motive întemeiate pentru disoluție (excepție fiind cazurile de divorț prin acordul părților), concubinilor nu le trebuia niciunul. De asemenea, când unul dintre parteneri se căsătorește, actul care atestă concubinajul cu o altă persoană devine nul. Această prevedere este importată din legislația franceză a Pactului Civil de Solidaritate.

Proiectul propus de Nicolae Păun are o strategie diferită față de cea a întregului spațiu european. Dacă, în toate legislațiile internaționale cu privire la legalizarea uniunii consensuale, statele au construit texte de lege speciale în acest sens, pentru ca apoi să le actualizeze în noi forme ale Codului Familiei sau Codului Civil, propunerea românească și-a adaptat formulările la prevederile deja existente în Codul Familiei, precum cele privind condițiile de vârstă, condițiile de responsabilitate juridică, forma de disoluție etc.

În același timp, proiectul de lege face o compilație interesantă între două sisteme legislative diferite. Pe de o parte, împrumută din sistemul francez formele disoluției prin căsătoria unuia dintre concubini, împrumută o parte consistentă din formular, precizând opțiunea clauzelor personale, și totuși, în privința resurselor personale, influențele sunt din zona țărilor nordice (împrumutul între soți), unde nivelul de individualism, de independență materială este mult decalat față de mentalitățile românești.

În anul 2010, senatorul Viorel Ariton a făcut prima propunere de lege pentru legalizarea concubinajului „asortabilă” Occidentului. A fost prima dată în România când s-a depus spre legalizare un proiect pentru legalizarea uniunii consensuale, fără să fie precizată orientarea sexuală a partenerilor. Reacțiile sociale dure la adresa proiectului de lege, orientările exigente ale articolelor de presă și, în același timp, reticența autorităților l-au făcut pe senator să-și retragă singur proiectul din Parlament.

Într-un studiu asupra articolelor de presă din România cu privire la legalizarea uniunii consensuale, indiferent de orientarea sexuală a partenerilor, discuțiile au vizat condiția homosexualității într-o proporție de 18%, gradul de moralitate/imoralitate versus dreptul la libertate de manifestare, 34%, iar polemicile de pe forumuri au fost de cele mai multe ori stimulate de conflictul de „orientare” dintre persoanele cu parteneri de același sex și heterosexuali. Într-o pondere mai mică, polemicile au fost dublate de argumente religioase (8%), contraargumentele susținătorilor legalizării cuplurilor de același sex făcând apel la modernitate (57%) și la exemplele altor state care au această experiență juridică (29%).

În ceea ce privește mentalitatea românească surprinsă în articolele de presă, dar și pe alte pagini web care au importat și comentat aceste articole, imaginea legitimității juridice a concubinajului este una voalată. Deși textele articolelor expuneau și comentau punctual resursele juridice expuse în proiect pentru legalizarea concubinajului, discuțiile de pe forumuri și de pe alte tipuri de pagini web au fost orientate spre caracterul nelegal pe care îl presupune concubinajul. Analiza statistică realizată în acest sens arată că, într-o proporție de 42%, imaginea concubinajului apare mai mult ca o stare premaritală, în 32% dintre situații fiind privită ca o stare de fapt a unui cuplu fără forme legale și într-o proporție de 18% fiind înțeleasă ca o stare maritală (Apostu, 2015).

Dincolo de propunerile propriu-zise, de dorințele voalate de legalizare, propunerile de lege nu au anticipat prea atent efectele sociale, economice și culturale asociate acestei legalizări. Așa cum s-a precizat mai sus, ipoteze precum creșterea monoparentalității, creșterea nașterilor în afara căsătoriei, fenomene precum homoparentalitatea, la care este expusă România, din cauza flexibilității legislative dublate de o mentalitate prea puțin adaptată reperelor postmoderne etc., sunt factori care trebuie calculați și prevăzuți anticipativ în proiecte sociale coerente apte să asigure funcționalitatea unor astfel de cupluri aflate în alternativă cu căsătoria legitimă.

Ultima propunere de lege este cea inițiată de un grup de parlamentari independenți PSD și PP-DD, în frunte cu senatorul Remus Cernea, în anul 2013 (PL nr. L597 / 2013)². Această propunere legislativă a fost cel mai bine realizată, cu cele mai clare și mai punctuale prevederi legislative din toate proiectele de legalizare a concubinajului depuse până atunci. Într-o formă unică, bine fundamentată juridic, cu influențe legislative din spațiul european, senatorii au propus legalizarea uniunilor libere, fără a face precizări sau a da interdicții în ceea ce privește orientarea sexuală a partenerilor. Proiectul propunea autentificarea la notariat a relațiilor dintre concubini, recunoașterea parteneriatelor civile internaționale, ale celor mixte etc. De asemenea, erau făcute precizări patrimoniale, condiții de disoluție și partaj, se solicitau drepturi de protecție socială, drepturi la pensia de urmaș, conform Legii 19 din anul 2000, art. 67, 68, 69.

În ziua de 9 decembrie 2015, propunerea de lege a fost respinsă, datele ultimelor polemici fiind disponibile pe pagina Camerei Deputaților³.

6. MENTALITĂȚI ROMÂNEȘTI CU PRIVIRE LA UNIUNEA CONSENSUALĂ

Cercetarea cantitativă realizată asupra spațiului românesc cu privire la opiniile despre alternativele legale la mariaj (Apostu, 2015) evidențiază o serie de *pattern-uri* clasice de manifestare și, în mod paradigmatic, unele orientări conjugale situate în contrasens. De cele mai multe ori, „învechirea” mariajului este

² http://www.parlament.ro/pls/proiecte/upl_pck.proiect?idp=17488&cam=1.

³ <http://www.parlament.ro/pls/steno/steno.stenograma?ids=7598&idm=18>.

justificată prin argumente stereotipizate și de mult timp apuse, atât din punct de vedere juridic, cât și din punct de vedere social.

Astfel, la întrebarea ce reprezintă o căsătorie, 35,6% dintre indivizi punctează în primul rând caracterul legal, 17% o consideră o formă optimă de manifestare a fericirii, 16,4% cred că reprezintă o formă juridică stabilă care oferă siguranță și 14,7% o definesc în moduri diferite, prin concepul dragostei asociate cu scopuri/valori comune. 5,8% dintre persoanele chestionate au afirmat caracterul ei tradițional, așadar de obligație care trebuie respectată și datorită conotației sale religioase. Într-o proporție de 3,3%, mariajul a fost considerat un risc și o afacere.

Apreciind deci valorile cu cea mai mare consistență, într-o proporție de 83,7%, imaginea mariajului este puternic reprezentată pozitiv, asociind în această dimensiune atât valorile juridice autentice, cât și resursele sale psiho-sociale: iubirea, fericirea și confortul unei relații stabile.

Din cealaltă perspectivă, cea a dezavantajelor mariajului, răspunsurile cu cea mai mare pondere sunt cele care consideră că în mariaj nu sunt dezavantaje (20%); 16,3% consideră că mariajul afectează libertatea indivizilor, fapt care constituie un disconfort conjugal pentru partenerii căsătoriți. În aceeași direcție a dezavantajului, 13,4% dintre cei chestionați reclamă riscurile monotoniei dintre partenerii căsătoriți, în timp ce 14% afirmă că dezavantajul cel mai mare al mariajului îl reprezintă prezența conflictelor.

De asemenea, riscul separării este și el reclamat ca fiind un dezavantaj pentru persoanele căsătorite cu o pondere de 12,7% din totalul factorilor identificați care arată dezavantajul mariajului. Cu o pondere mai mică (9,2%), dependența față de partener apare și ea ca un dezavantaj pentru persoanele căsătorite.

Printre cel mai slab invocate dezavantaje sunt cele care țin de inechitatea de rol conjugal, precum și riscurile patrimoniale care pot decurge în urma separării partenerilor căsătoriți (Apostu, 2015).

De asemenea, studiul realizat de SOROS (2008) evidențiază, chiar și pentru cei care prezintă declarativ opțiunea spre uniune consensuală, că starea de concubinaj nu este decât o fază tranzitorie, care marchează etapa de adaptare și fuziune a partenerilor până la decizia căsătoriei, prin impedimente ca: dificultăți financiare – 58,4%, nu suntem pregătiți / nu a venit momentul – 30%, vrem să ne cunoaștem mai bine – 22,5%, suntem prea tineri pentru căsătorie – 15,3% etc.

În ceea ce privește ipoteza uniunii consensuale ca stare premaritală, rezultatele studiului o confirmă cu o mare evidență statistică. Pentru a identifica valorile conceptuale ale uniunii consensuale la tineri, în instrumentul de cercetare s-a folosit o întrebare deschisă, pentru a oferi libertatea unor definiții cât mai ample, în conformitate cu propriile opinii ale persoanelor cuprinse în studiu. Inițial, ponderea de 63% dintre chestionați era a celor care au identificat uniunea consensuală ca o stare pregătitoare pentru mariaj, la care am putea adăuga un procent de 11,4%, al celor care au declarat în diferite forme că uniunea consensuală este o stare intermediară pentru indeciși. Aceasta ar putea conduce spre ipoteza

conform căreia 25,6% dintre cei chestionați ar cunoaște valoarea conceptuală a uniunii consensuale.

7. CONCLUZII

Societatea românească surprinde un moment de tranziție spre structuri mai degrabă asortate individualismului relațional decât vechilor optici cu privire la solidaritate. Generațiile tinere centrează cu prioritate împlinirea personală prin celălalt – fuziunea apare în momentul în care fiecare se împlinește prin celălalt. Astfel, solidaritatea tinde să devină mai degrabă o consecință a funcționalității decât o funcție în sine, așa cum o descria Durkheim.

Cu toate acestea, societatea încă mai are influențe tradiționale care întârzie momentul asimilării noilor valori postmoderne centrate pe individualism. De altfel, așa se și explică fluctuațiile valorice care definesc, pe de o parte, modernitatea și pe de altă parte, postmodernitatea. Așa pot fi explicate, de asemenea, datele și fluctuațiile valorice obținute în Recensământul din 2002, dar și din cercetările ulterioare care analizau relațiile de gen, optica distribuției de rol conjugal și mentalitatea despre viitorul juridic al relațiilor conjugale.

Tinerii identifică particularitățile unei relații de uniune consensuală (relație fără acte, cu obligații și investiții reduse, cu o reticență în a-și asuma anumite sarcini și roluri etc.), dar nu o plasează în alternativă cu instituția legitimă. Mai mult, deoarece conceptele de stare premaritală sau coabitare nu fac parte din limbajul comun al tinerilor, fiind mai degrabă unul specializat, în vorbirea curentă sunt folosite conceptele de concubinaj sau uniune consensuală, chiar și atunci când aceștia privesc propriile relații conjugale din perspectiva orientărilor maritale.

În concluzie, observăm că și în România, problematica uniunilor consensuale ocupă un loc vizibil în dezbaterile sociale și în mentalitățile tinerilor. Atât experiențele sociale, cât și cele juridice încep să aibă din ce în ce mai mult consistență, iar influențe ale legislațiilor internaționale se pot observa în proiectele de legalizare a uniunilor consensuale, propuse în România.

Cazul legalizării uniunii consensuale în Danemarca poate fi privit în paralel cu fenomenele care au condus la Referendumul din 2018. În paralel cu promisiunea protecției mariajului, liderii politici anunțau în alternativă construirea unui cadru legal pentru partenerii de același sex. Or, într-o societate cu nivel crescut de intoleranță la acest tip de parteneriate, strategia politică viza construirea unui cadru juridic de protecție pentru mariaj, care a avut ca efect scăderea atenției acordate alternativelor conjugale promise de coaliție. Protejarea unui concept nu rezolva dilema morală și culturală a unei societăți reticente la alte tipuri de relații conjugale decât cele heterosexuale. Mai mult, construirea unui cadru legislativ specific parteneriatelor formate din persoane de același sex era asociată cu „riscurile” adopției singulare și, în extensie, cu cel al fenomenului de homoparentalitate.

Prima piedică spre legalizare în acest parcurs o reprezintă problema mentalităților sociale, fiecare proiect fiind întâmpinat cu reticență, critici dure și o serie de răspunsuri legislative exigente împotriva acestora. Alteori, voci voalate din societatea românească păreau să accepte starea de concubinaj și, poate paradoxal, aceeași comunitate și-a manifestat prompt reticența la legalizarea acestor relații. Această aparentă contradicție poate fi explicată prin faptul că în România indivizii nu înțeleg concubinajul și din perspectiva sa juridică. Ei nu au o opoziție directă împotriva uniunii consensuale (înțeleasă ca formă simplă de coabitare), ci împotriva legiferării ei. Mai mult, deschiderea premiselor unei alternative maritale juridice fără diferențiere de sex crește nivelul de reticență.

În România, însă, legalizarea uniunilor consensuale nu a fost consecința unor presiuni sociale, ci a ținut doar de simple inițiative legislative. Dacă, în tot spațiul occidental, uniunea consensuală a fost solicitată și susținută cu exigență de mai multe comunități LGBT (deși voci discrete în acest sens au existat mai degrabă atunci când minoritatea a fost criticată pentru propriile fundamente valorice), în România nu au existat astfel de manifestări, așadar, nu au cerut-o decât legislatorii. Mai mult, ei au fost cei care au căutat susținere în astfel de comunități. Argumentele folosite, fie pentru susținerea fie pentru contestarea acestor proiecte de lege ne arată că imaginea concubinajului nu este privită în alternativă cu căsătoria legitimă, ci ca stare premergătoare mariajului. Acesta este, de fapt, și motivul unei slabe susțineri pentru legalizare – românii nu pot cere legalizarea progresivă a unei stări de fapt, din care urmează să iasă juridic, după un timp, pentru o altă legalizare – căsătoria.

Interesul politic care înțelege capitalul electoral al inițiativelor de legalizare a mariajului între persoane de același sex crește considerabil. Înțelegând contextul Belgiei, experiențe ulterioare similare, atât în Europa, de exemplu în Franța, înainte de momentul autentificării juridice a mariajului homosexual din 17 mai 2013, cât și în Statele Unite, în anul 2012 (Zambiras, 2013), au făcut ca orientarea către comunitatea LGBT să nu fie privită doar prin prisma drepturilor solicitate de aceștia, ci și prin cea a unor strategii cu potențial electoral.

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THE QUESTION OF ORDER.
ERIC VOEGELIN'S *INTRODUCTION TO A NEW SCIENCE OF SOCIOLOGY**

MĂDĂLINA MĂNDIȚĂ**

Motto:

“What is permanent in the history of mankind is not the symbols but man himself in search of his humanity and its order”. (E. Voegelin, *Equivalents of experience and symbols*)

ABSTRACT

The philosopher and the political scientist Eric Voegelin, caught in the most troubled period of the twentieth century, proposes a reevaluation of human sciences, affected by positivism and political disorders. His extensive research brought a tremendous contribution for these sciences, and his criticism opened some new paths for a reappraisal of sociology. Thus, we find in Voegelin's work a rich fundament for a *sociology of order*. One that imperatively demands the return to the experiences of human and social reality, for a truly scientific enquiry in search of truth. Recently, the contribution of Ilie Bădescu through noological sociology lifts Romanian sociology at a similar endeavor. We try to establish the main lines for a *Voegelinian sociology*, using his most important categories, the question of order being his fierce quest amidst the disorders of his century. With the help of E. Voegelin and I. Bădescu we could lay the foundation of a *sociology of order*, one that views order as a cardinal social and individual dimension.

Keywords: Voegelin, sociology of order, noological sociology, disorder, spiritual dimension.

* After the title of E. Voegelin's book, *The New Science of Politics* (1952), in which he proposed a refoundation of political science, badly affected by the troubled Western history, where modernity proved to be a climax of modern gnosticism.

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IN SEARCH OF A SOCIOLOGY OF ORDER

Eric Voegelin's lifetime efforts meant to understand the disorders that humanity faced (World Wars and modern ideologies) shaped him from the philosopher and political scientist that he was to an even more valuable scholar for sociology. Using his philosophical categories and studies we acquire another level in sociological understanding, one that breaks from the positivist legacy, still lurching in social research. In this respect we bring Voegelin's categories in the service of sociology, daring even to mirror his *New Science of Politics*, with the possibility of a *New Science of Sociology*, one concerned with the order of existence reflected in the order of society, as he proves.

Closer to us, in Romanian sociology, we have the *noological sociology* of Ilie Bădescu, which analyses the spiritual latencies in the manifestations of the spiritual teachings in society, according to a spiritual profile, or, on the contrary, the deformation of this spiritual fundament in pathological manifestations. I. Bădescu applies this theory on Christian communities, also reaching political ground in *Noopolitics*. (Bădescu, 2006)

Both authors have a common point of departure, being concerned with the spiritual forms of degradation that have a tremendous impact on social and cultural levels, and which are violently visible in modern politics.¹ It is safe to say that the question of order is common to these authors, and a *sociology of order* could be the result of their contributions. The stake here is understanding the spiritual dimension of man and society, a key element for human sciences, especially for sociology and philosophy.

We discover the foundation of Voegelin's thought concerning the question of order and of Bădescu *noological sociology*, in an attempt to outline a *sociology of order*. In this theoretical context, we can see this study as a programmatic endeavor to create a methodological path for this type of sociology, laying first and foremost its theoretical ideatic ground.

IN SEARCH OF ORDER

Western culture, the locus of great scientific achievements, as well as the space of two massive political shocks (Communist and National Socialist totalitarianisms), cannot be understood and researched without two fundamental pillars: Greek philosophy and Christian legacy, warns Voegelin. The social and spiritual disorders like religious wars, ideologies, totalitarianisms, modern gnosticism determined Voegelin to search the question of order, in its philosophical and political dimensions. In regard to this, his thinking could have a large applicability for sociology.

¹ Măndiță, M. (2020). Neo-totalitarianism, The beginning of anarchic civilization? A Voegelin reading of our time, upcoming article, in *Romanian Journal of Sociological Studies*, no. 1 / 2020.

Voegelin proposes an understanding of man's humanity from two sources of European culture, noetic and pneumatic differentiations, Greek philosophy and Revelation. His premise is that the order of existence is transferred to the order of society², and here we confine a type of sociology which identifies the sources of order, and their specific manifestations in social space, with impact on the past and present, thus designing possible lines for the future.

VOEGELIN AFTER WEBER

For sociology Voegelin is a very provocative and stimulating intellectual, one that has not been valued at all, within the effort to reconstruct the image of sociology, relieved by its modern bias, indebted to natural sciences and their methodologies. Maybe it is not irrelevant that the chair of Max Weber in political science at Munich's Ludwig Maximilian University, unoccupied since his death in 1920, was filled by E. Voegelin in 1958. Indeed, an intellectual that was rising at the level of Weber's greatness, probably even exceeding it.

Voegelin opposes the limitations of modern methodology imposed in human sciences, proving the improper inquiry into the spiritual dimension of man, society and culture, in the effort to imitate a natural sciences methodology. In this ideatic context and contesting the establishment of a *value free science*, Voegelin views Weberian sociology as "the last of the great positivistic systems". (Voegelin, [1952], 1987: 22) In this sense he identified a hiatus in Weber's theory, namely:

"the fact that in his sociology of religion, wide as it ranged, there was no treatment of early Christianity or of Classic philosophy. That is to say, the analysis of experiences that would have supplied the criteria for existential order and responsible action remained outside his field of consideration. If Weber nevertheless did not derail into some sort of relativism or anarchism, that is because, even without the conduct of such analysis, he was a staunch ethical character and in fact (as the biography by his nephew, Eduard Baumgarten, has brought out) a mystic. So, he knew what was right without knowing the reasons for it". (Voegelin, 2011: 40)

Weber's impact on E. Voegelin was acknowledged and his status admired, starting with the analysis of Marxism, *Sociology of Religion, Economy and Society*, its wide comparative studies and familiarity with ancient civilizations, modern and mediaeval, of Western and Asia or Near Eastern cultures.

However, a reproach of Voegelin towards Weber was the unanswered question of transcendence, along with Weber's inability to develop a philosophy of history, to make the next natural step in his research. The problem with the accumulation of information, of a scientific activity that will be superseded, determined Voegelin to consider that this "last meaninglessness (...) can only be

² Voegelin, E. (2000b).

resolved by openness to transcendence in the sense of life's opening toward meaning. It does not lie in the world. Weber was very conscious of this meaninglessness, and this should partly explain the fragmentary character of his work". (Voegelin, 1999: 269)

Voegelin considers that the deformation of science reduced only to immanent action is not in line with the contribution of Aristotle and Plato, and, generally, with a philosophy of order. For this, a recommendation is made, namely "to go from there in the direction of the openness to transcendence and the restoration of those symbols by which the experiences of reason and spirit can interpret themselves. Max Weber has overcome this situation for us. We must in our age restore reality again" (ibidem).

To see sociology through different lenses, as we try to do here, demands a return to the experience, following Voegelin, to a restauration so needed after the positivistic age, being safe to say that sociology started with a non-human view of human sciences, but it does not need to remain there. In this way, Voegelin warns us concerning the fetish for methods, used as a "criterion of science that abolishes theoretical relevance. As a consequence, all propositions concerning facts will be promoted to the dignity of science, regardless of their relevance, as long as they result from a correct use of method. Since the ocean of facts is infinite, a prodigious expansion of science in the sociological sense becomes possible, giving employment to scientist technicians and leading to the fantastic accumulation of irrelevant knowledge through huge 'research projects' whose most interesting feature is the quantifiable expense that has gone into their production". (Voegelin, [1952], 1987: 8)

A PARADIGM SHIFT

In the process of reviewing human sciences, one that does not negate or ignore the basic elements of humanity (like faith, soul, transcendent, immanence, mortality, immortality), Voegelin brought a *paradigm shift* in political science. (Liedhold, 2018) This direction is assumed also for sociology in an endeavor to discover the categories of a *sociology of order*.

If Voegelin practiced philosophy in order to understand the disorders of his time, profoundly weakened by the modern ideologies (Hegelianism, Marxism, Communism, National Socialism), in a search for order, he demanded the imperative of recapturing the reality, a return to the experience badly distorted under the aggressiveness of the new modern man. (Voegelin, 2011) If in philosophy he demanded a return to experience, then especially in sociology we must respond to this request, actually researching the humanity of society.

For this, a short introduction to a potential *sociology of order* is based on the categories of E. Voegelin and I. Bădescu, having in mind that an extensive theoretical foundation must stand on an ample research of relevant categories and

their symbolized experiences. This could bring coherence needed for such an endeavor, bringing the other methodological steps made by I. Bădescu in the books *Compared Noology of Jewish and Romanian peoples. A sociology of communities* (2017) and *Sociology of Spiritual Manifestations* (2017) to a unified sociological approach. In this way, this study is a programmatic one, establishing here the basis. The following part is the most important contribution of E. Voegelin that could substantiate a *sociology of order*.

Voegelin's way is a very simple one, and, at the same time, rich in possibilities, especially for sociology, meaning that "the methodologically first, and perhaps most important, rule of my work is to go back to the experiences that engender symbols". (Voegelin, 2011: 121) This is the beginning of the *paradigm shift*, one focused upon understanding the disorders of his time, making this scholar to elaborate his *opus magnum*, *Order and History*, vol. I–IV.

This specific rule of Voegelin, combined with the thesis that "the substance of history consists in the experiences in which man gains the understanding of his humanity and together with it the understanding of its limits" (Voegelin, [1952], 1987: 78), brings this paradigm shift to remarkable bearings on sociology. The reality of an empirical field without contact with experience, with methods acquiring a too important status surpassing theoretical explorations, means that "the present-day situation is even more difficult, because the mainstream of social sciences transformed into a branch of applied mathematics, processing masses of quantitative 'data' generated by standardized methods either using electronic technologies for 'data mining' or the bureaucratic paperwork approach of filling in questionnaires, considered to be the epitome of 'empirical survey'". (ibid.: 2)

A VOEGELIN... A START FOR SOCIOLOGY

The main theoretical elements of Voegelin's thought became the focal points for a *sociology of order*. Among them we mention: experience, symbol, participation, equivalents, *In-Between* or metaxy, the tension of transcendence and immanence.

Starting from a comprehensive definition of science, he develops a philosophy of consciousness, another understanding of political sciences, the studies of *History and Order* surpassing the series on *History of Political Ideas*. All in search of the truth of order, contrasted by massive disorders, especially the aggressiveness of modern ideologies:

"Science is a search for truth concerning the nature of the various realms of being. Relevant in science is whatever contributes to the success of this search. Facts are relevant in so far as their knowledge contributes to the study of essence, while methods are adequate in so far as they can be effectively used as a means for this end". (Voegelin, [1952], 1987: 4–5)

Among his elaborated criticism of modern times, the most pressing is the deforming of the truth, the decapitation of man and his culture, thus erasing hundreds of years, a massive retrogression in the research of man and society and of their *various realms of being*, situation which actually is a regression of science.

Two short propositions are relevant starting points in a Voegelinian sociology, with peculiar value for sociology: “the order of history emerges from the history of order” (Voegelin, 2001: 19) and “God and man, world and society form a primordial community of being. The community with its quaternarian structure is, and is not, a datum of human experience. It is a datum of experience insofar as it is known to man by virtue of his participation in the mystery of its being. It is not a datum of experience insofar as it is not given in the manner of an object of the external world but is knowable only from the perspective of participation in it”. (ibidem: 39)

First, following Voegelin, each and every society, irrespective of its type of development, creates, needs and represents a type of order that contains a vision of its experience, a specific meaning concerning its divine and human dimensions, and its purposes as well. These take the form of symbols engendered by experiences, that maintain and contain the truth of their order. The initial types of order identified by Voegelin, that were designed to be analysed in the series *History and Order*, are: the order and symbols of Near East, of the Chosen People, the polis (Plato and Aristotle), the empires up to the development of Christianity, the modern state with its specific gnosis. Under the complexity of the types of order with their symbols, and under the accumulation of increasing empirical discoveries, Voegelin rethinks this project. His final volumes *The Ecumenic Age* and *In search of order* represent the heights of his thought as a philosopher of history, probably as a sociologist as well.

Second, this quaternarian structure is fundamental in a sociological analysis, having double vectors of existence and nonexistence at the same time. The key-element here is participation, which for sociology is of great importance, because “participation in being, however, is not a partial involvement of man; he is engaged with the whole of his existence, for participation is existence itself” (Voegelin, 2001: 39), one that is between freedom and necessity, underlines the author.

It must be retained here that *existence* is a fundamental category of understanding the ways that different types of order are created in history in this complex participation of these fundamental dimensions – God, man, world and society. Their lived participation is seen in the symbols that express different experiences.

A break in the history of humanity, with its multiple types of order and their symbols, occurs, when Voegelin identifies a leap, a transition from compact to differentiated symbols. “One is the symbolization of society and its order as an analogue of the cosmos and its order; the other is the symbolization of social order by analogy with the order of a human existence that is well attuned to being. Under

the first form society will be symbolized as a microcosmos; under the second form as a macroanthropos". (Voegelin, 2001: 43)

In the cosmological order Voegelin studies the ancient civilizations and the dissolution of their social order, making place for a new type of symbolized order, one that "is more lasting than the visibly existing world – that is, toward the invisibly existing being beyond all being in tangible existence. This invisible divine being, transcending all being in the world and of the world itself, can be experienced only as a movement in the soul of man; and hence the soul, when ordered by attunement to the unseen god, becomes the model of order that will furnish symbols for ordering society analogically in its image" (ibid.: 44), a process observed in Egypt, China (Lao-Tse, Confucius), Buddha, philosophies in the Hellenic and Christian worlds.

This order of being is symbolized through an analogy of plant and animal life, of celestial order, multiple orders for divine force existing as well. All this is happening in a medium of pluralism of truths, according to Voegelin, and of tolerance, which brings the doubt of the power of symbol to truly represent the order of being. However, "only when the originating, ordering, and preserving source of being is experienced in its absolute transcendence beyond being in tangible existence, will all symbolization by analogy be understood in its inadequacy". (ibidem: 47)

This brought a change in "the order of being and existence itself (...), a turning around, the Platonic periagogé, an inversion or conversion toward the true source of order. And this turning around, this conversion, results in more than an increase of knowledge concerning the order of being; it is a change in the order itself. For the participation in being changes its structure when it becomes emphatically a partnership with God" (ibidem: 48). This means a new community, a new symbolism, a new order in / of existence.

MAN SEEKING GOD, GOD IN SEARCH OF MAN³

Philosophy, "the love of being through love of divine Being as the source of its order" (ibid.: 24), is the chance of Voegelin to diagnose his troubled times, thus providing a rich ground for sociology to research the orders and disorders of current times. Especially those experiences of participation that open man and society to a multiple level of orders confer a vision over the world, God, and the other spiritual components.

The phenomenon of *participation* is considered by Voegelin the center of consciousness, also present in Plato's concept of *In-Between* or *metaxy*, which means that:

³ Voegelin, E. (2000b): "the In-Between character of the tension and its site is admirably clear: the tension of God seeking man, and man seeking God – the mutuality of seeking and finding one another (p. 398).

“the experience is neither in the subject nor in the world of objects but *In-Between*, and that means *In-Between* the poles of man and of the reality that he experiences. The *In-Between* character of experience becomes of particular importance for the understanding of response to the movements of divine presence. For the experience of such movements is precisely not located in man’s stream of consciousness – man understood in the immanentist sense – but in the *In-Between* of the divine and the human. The experience is the reality of both divine and human presence, and only after it has happened can it be allocated either to man’s consciousness or to the context of divinity under the name of revelation”. (Voegelin, 2011: 98–99)

Human consciousness is characterized by this *In-Between* reality, in which participation is viewed like an experiential tension, and the *luminosity* of consciousness “stresses this *In-Between* character of the experience as against the immanentizing language of human consciousness, which, as a subject, is opposed to an object of experience. This understanding of the *In-Between* character of consciousness, as well as of its luminosity – which is the luminosity not of a subjective consciousness but of the reality that enters into the experience from both sides – results furthermore in a better understanding of the problem of symbols: Symbols are the language phenomena engendered by the process of participatory experience. The language symbols expressing an experience are not inventions of an immanentist human consciousness but are engendered in the process of participation itself. Language, therefore, participates in the metaxy character of consciousness”. (ibidem: 99)

Ellis Sandoz, a student of Voegelin, gives the following explanation of his philosophy of experience, in the introduction of *Published Essays 1966–1985*. To discover the dimension of human existence, a special emphasis is put on this non datum character of experience, as Voegelin stressed, meaning that:

“At the level of common sense, it is evident that human beings have experiences other than sensory perceptions, and it is equally evident that philosophers like Plato and Aristotle explored reality on the basis of experiences far removed from perception. (...) It is evident that the primarily non sensory modes of experience address dimensions of human existence superior in rank and worth to what those sensory perception does: experiences of the good, beautiful, and just, of love, friendship, and truth, of all human virtue and vice, and of divine reality. Apperceptive experience is distinguishable from sensory perception and a philosophical science of substance from a natural science of phenomena. Experience of ‘things’ is modeled on the subject-object dichotomy of perception in which the consciousness intends the object of cognition. But such a model of experience and knowing is ultimately insufficient to explain the operations of consciousness with respect to the non-phenomenal reality men approach in moral, aesthetic, and religious experiences... The participatory (metaleptic) experiences of human beings in the *In-Between* (metaxy), which are the constitutive core of human reality, are transactions conducted within consciousness itself and not externally in time and space; hence Voegelin sometimes calls the realm in which they occur nonexistent reality..., or the realm of spirit”. (Embry, 2008)

Here, on this realm of spirit, in the non-datum character of experience as participatory tension, we consider the *locus of sociology, par excellence*, the fundament of social relations, institutions, of sociality per se. Considering sociology as being made up of two phases: *phase one* of sociology characterized by the visible part of society, measurable, physical, whose research is suitable for an imitation of natural sciences methodologies, along the most important; and social *phase two*, concentrated on this pure sociality, the weight being on the realm of spirit, on the tension expressed in participation of social and individual existence.

Going back to experience, acknowledging the elements of participatory action, the creative or destructive tension of this *In-Between*, all are steps recommended by Voegelin, but to which sociology should also respond. The question of *equivalents* assures to the sociologist the possibility of making comparative studies, understanding and explaining specific experiences, as well as the access to the fundaments of a society in history.

SEARCHING FOR THE EQUIVALENTS OF SYMBOLS

The diversity of symbols is a very complex reality in communities and peoples, and it is of special interest for sociological inquiring too. What Voegelin recommends is to find their *equivalents*, which means a search for the constants that engendered the experiences, as these represent “man himself in search of his humanity and its order”, i.e. his existential order. (Voegelin, 2015: 1)

Studying the symbols and their equivalents means a participation in “the time dimension of existence, accessible only through participation in its reality” (ibidem: 2), an openness towards the experiences engendered. The search for constants is not a set of rules for the right order, underlines the author, because “existence does not have the structure of order or, for that matter, of disorder, but the structure of a tension between truth and deformation of reality (...). Existence has the structure of the *In-Between*, of the Platonic metaxy, and if anything is constant in the history of mankind it is the language of tension between life and death, immortality and mortality, perfection and imperfection, time and timelessness; between order and disorder, truth and untruth, sense and senselessness of existence; between amor Dei and amor sui, l’âme ouverte and l’âme close; between the virtues of openness toward the ground of being such as faith, love, and hope, and the vices of infolding closure such as hybris and revolt; between the moods of joy and despair; and between alienation in its double meaning of alienation from the world and alienation from God”. (ibid.: 4–5)

Another warning is made by Voegelin concerning the separation of these poles of tension, which could “destroy the reality of existence as it has been experienced” (ibid.: 5), leading us to lose ourselves in all sorts of deformed lived reality, such as different kinds of social activism, drugs, hedonism, despair, depression, which are all mere substitutes for the lost reality, states Voegelin.

We can say with Voegelin that man is a participator in reality, a fact of which he is conscious, thus engendering symbols that reflect the experience of reality, of himself, of this participation.

Between experience and symbols there is a very important relationship. If the symbols lost the reality from which they derive their meaning, their experience is lost, they became meaningless or unimportant. If we want to truly understand them, we have to return to the experience that produced them, and to their meaning.

Starting from the structure *God, man, world, and society*, from the fundamental experiences viewed in symbols (making comparable the research of different people and cultures), we could develop a *sociology of order* relevant for a large design of social relations, identities, social processes and behaviors, which could unify or disintegrate societies, cultures. Also, there could be analyzed the deformities, *second realities*⁴ constructed with the aim to obscure this tension and to annihilate one pole of existence. Here stands the meaning and purpose of sociological knowledge.

A HEADLESS AND HEARTLESS MAN – WHERE TO?

An important category selected by Voegelin in order to understand the disorder in the world is the question of *the ground* or *search for the ground*. Finding this sort of general categories makes it possible the comparison between different culture and civilizations, and we will underline this postulate when trying to establish the main elements of a *sociology of order*.

The category of *the ground* is considered by Voegelin a constant in all civilizations, even though the forms and manifestations are different. The concept, *aition*, developed by Plato and Aristotle, has a few meanings: a cause in time and space, and four types of cause differing from the physical one (*materialis*, *formalis*, *eficiens*, *finalis*), and as a *ground of existence*, which is comprehended in *Nous – Reason, Spirit, Intellect*. (Voegelin, 2000b)

This reality provides man an ultimate purpose of his existence, the only one that has the answers needed by reason as pragmatic type, for a rationality in action. *The ground*, analyzed by classic philosophies and Christian religion, according to Voegelin, is “an experienced reality of a transcendent nature toward which one lives in a tension. So, the experience of the tension toward transcendent Being is the experiential basis for all analysis in such matters”. (ibidem: 229–230) This tension is found in concepts like faith, love, hope, from Heraclitus up to Saint Paul, Saint Augustine, or Bergson, analyzed as the “openness of the soul toward transcendence – which means openness towards the Ground of existence, because we all experience our own existence as not existing out of itself but as coming from somewhere even if we don’t know from where”. (ibid.) The tension, that we could

⁴ *Second reality* is a concept used by Voegelin to designate a *dream reality* invented by alienated man or ideologies which eclipse a reality. (Voegelin, 2011)

sociologically analyze as well, is a “participation in divine Being because you are engaged in tension toward It”. (ibid.)

According to the philosophers, the place for living this tension towards *the ground* is the *psyche*, which paved the way to the *noetic self*, derived from *Nous*, states Voegelin.

Another element worthy of sociological inquiry is the *community in the Nous* which we find in Aristotle, according to Voegelin, *Nous* having here an ordering power. The reality of another concept, *homonoia*, found also in St. Paul designing the Christian community – “instead of the transcendent nous as reason, the Logos of Christ has now entered as that community substance that constitutes homonoia”. (ibid.: 231) This reality is translated as *like-mindedness*, a sociological concept replaced by *consciousness of kind*, underlines Voegelin.

Irrespective of how this reality is experienced in the participatory tension, this quest towards *the ground of existence*, this restlessness of human yearning still thrills man and societies, in different forms and shapes, with deformative accents in modern times.

Here is the reason that Voegelin searches for answers to the experienced deformative disorders of the twentieth century. The most visible effect was *ideologies*⁵ that flourished in direct fight with and opposing the transcendent *ground of existence*. What happened, says Voegelin, is that there was a relocation of transcendent ground in the immanent reason of man, known as *The Age of Reason*, when human reason is thought to be the ultimate measure.

The fight with classical philosophy, and with the Christian legacy, with *noetic* and *pneumatic* experiences, means the *de-capitation* and the *de-hearted condition of man*, with tremendous impact on social and political level, as proved by Voegelin in his studies on totalitarianisms and modern ideologies. If man is not open anymore towards the *divine ground* of existence, he will be open to see and act on the basis of race, blood, instincts, specific political actions, warns the author.

This multiple relocation of *divine ground* brought the exhausting of places that man worshipped in his search of meaning, “we have had it” (ibid.: 236), and “ideologies are finished” (ibid.: 237), believes Voegelin. And, in spite of this denouement the direction is not seen, no one could say where to, or what to do. Anyway, Voegelin reminds us of the diagnostics of K. Lowith about the period from Hegel to Nietzsche, of P. Rieff on psychoanalysis, A. Huxley, G. Orwell, A. Camus, including his own, we must add, especially for philosophy and political science.

What remains to be done, and what began from different sciences “is a sort of convergent development of a science of general structures that are not peculiar to our Western civilization but have their root in the nature of man and are in their variants, therefore, to be found everywhere, in all societies. One can develop a sort

⁵ Voegelin, E. ([1952], 1987).

of system of the structural common denominators in such matters; I have given you (...) just one example: the quest of the ground". (ibid.: 239) Paying tribute to this study, and to the other one dealing with *Neo-totalitarianism*, we begin to enroll and subscribe to this mission, and hopefully to the next ones as well.

Returning to the subtitle of this part, we are reminded the confusion made between *pragmatic reason* (actions correlating means to ends, applicable to external world developed under the pressure of industrial innovations) and *noetic* and *pneumatic reason* (all rational actions in the sciences of society, man, history, applicable in the search for the *ground of existence*, where originates the question of order), and the contributions of philosophy and Revelation that should not be neglected. (Voegelin, 2000b)

The annihilation of the tension toward the transcendence, having its climax in modern times, brought various forms of denaturation of reality, and derailments, as proved by Voegelin, one being the power of a modern gnosis of salvation, of substituting transcendence by political ideologies and scientism, which became "socially dominant ideas". (ibidem: 206)

Without criticizing modernity, we just mentioned these realities or deformities developed out of misunderstanding cultural fundamentals and history. Today we are still vulnerable to the influences of ideologies, in spite of their invalidation⁶. In this way we dare to see man as a headless and heartless human being, probably one who could be of use in the post-industrial society. A modern man that could be seen as a non-being, if we understand man as the highest evolution of life, as one that witnesses *leaps of faith*, as Voegelin considers, through the noetic and pneumatic differentiations of consciousness, a creator of civilizations.

SOCIOLOGY OF ORDER

If Eric Voegelin, in response to the disorders of his century, searched for solutions in philosophy to understand the causes of modern political deformations, the same thing could be tried in sociology, a science born in the age of positivism, from which it appears to not have been yet liberated. Voegelin has proved that the essence of man and societies stands in its spiritual dimension, in the most human place, his consciousness, in the tension that man has towards the divine *ground of existence*, in the order and disorders that man created and reflected. (Voegelin, 2000a) This study is a programmatic approach, focused on the human element in the social reality, often attacked, ignored or forgotten under the impact and interests (economical, political, ideological) brought by an alienated vision of man,

⁶ We see in present days that ideologies are not finished, but are subject to transformations while conquering new aspects of individual and social lives. In the study on *Neo-totalitarianism*, we have an analysis of these developments, finding a new type of totalitarianism, an invisible one, felt in all the dimensions of social reality.

society and culture. A vision without any contact with *the ground of existence* or one falsified in the form of *second realities*. This brings a massive impact on the fourfold structure of reality, as presented by Voegelin, which translates in the massive derailments analyzed in his studies, *modern gnosticism* being one of them.

Here sociology should intervene and deepen these premises, acknowledging the problems and understanding the solutions, descending to concrete problems, making researches that could offer understanding not only of the effects, but also of the causes of social problems and dissolutions. For this reason, we envisage a sociology in two phases:

- one that concentrates on the factual, material problems, in reporting the data of various dimensions of society, a descriptive documentation, a social portrait of facts and numbers;

- one that concentrates on what is most *human* and *social* in society, concentrating on explaining and understanding the causes of problems, proposing the ways to reach the social and cultural dimensions of people according to their specific spiritual profile. This phase is starting from the first stage, from data, but it does not remain at this level, going towards extensive explanations with powerful theoretical valences.

Thus, inspired by the philosophy and studies of Voegelin, we could define sociology as an essential part of human sciences as follows: *Sociology of order focuses on the participatory tension of man and society between the poles of immanence and transcendence, following the experiences expressed in symbols, which reflect the structure (political, economic, cultural, religious), relations, and behaviors endowed with meaning.*

The start to reconsider this discipline is the *noological sociology* of I. Bădescu, a novelty for a science still indebted to the positivistic model, where the methods are criteria for choosing themes of research.

With the help of *noological sociology* and of Voegelin's categories, which are extremely useful for a *sociology of order*, we developed a framework applicable to different people, through a series of categories, that could become specific to different cultural spaces or identities. More so as sociology does not look at man and his society as facts, physical elements to be weighted, measured, arranged and used in the logic of economic and political enterprise of a global humanity. This could be a start for the establishment of a *general noology*, essentially a *sociology of order*.

Such a view on society is concerned with identifying the types of order, their symbols up to the experiences that engendered them, along with their equivalents. In this way it is possible to draw a comparison between different cultures and societies, and a first step was done in *Compared noology of Jewish and Romanian people. A sociology of communities* (2017).

Searching for the order of a society means that it is inevitable not to reach the social disorders, a kind of barometer for fundamental order on which every society

stands. Having in mind the two phases of sociology, we must start from a measurement of data at the first level, followed by an exploration of their symbols and equivalents (if needed for comparative studies) that would offer an extensive explanation with theoretical substantiation.

Sociology of order gives the possibility to identify a series of *types of existence* in the same society that creates *types of orders*, with their differentiations and manifestations, either taken for granted or consciously assumed. The result will be a *noological profile*, an image of assumed and lived identity that has specific types of individual and / or social behaviors and manifestations.

Society supposes a continuous movement and challenges, to provide answers to social problems, a process in the lives of peoples, to which everyone contributes, but one that transcends individual lives, which has a *meaning of its existence*. In this perspective the question of order deserves the special attention of social scientists, being also of interest for political, economic, cultural, strategic or other social dimensions.

A special place in this sociology is taken by the spiritual outburst, *leaps of faith* (E. Voegelin), or spiritual teachings (I. Bădescu), which become “the sources of meaning in history and of such knowledge as man has of it. By letting man become conscious of his humanity as existence in tension toward divine reality, the hierophanic events engender the knowledge of man’s existence in the divine-human *In-Between*, in Plato’s *Metaxy*, as well as the language symbols articulating the knowledge”. (Voegelin, 2000a: 50)

Men and society spend their lives between *the beginning* and *the beyond*, as Voegelin lengthy elaborated. The fundamental element for a sociology worthy of really being a part of *human sciences* is this *participation, the tension between these poles, between divine and human, mortality and immortality, life and death*. Along these fundamental categories, man and society create meaning, in a profound social process, which requires the attention of this type of sociology.

Here are the main elements of the *noological sociology* of I. Bădescu, with the mention that it was largely applied to Christian communities⁷ in his extended studies elaborated since 2002.

NOOLOGICAL SOCIOLOGY

In the line of acknowledging the weight of spiritual dimension in social research and understanding man as creator of society, we have another position that values this fundamental dimension of social life – the *noological sociology* (I. Bădescu). The research starts from the spiritual order specific of the social unit analyzed, the elements that constitute either the spiritual power, if they are actualized (experienced), either spiritual weakness, if they are forgotten or

⁷ Bădescu, I. (2006).

unrealized. These are the categories of the noological view over society: *spiritual latencies* (these are the potentialities, the virtualities that people have); *spiritual teachings* (the most important spiritual ideas, religious dimensions, traditions etc.); *noological frames* (the frames in which the spiritual latencies are actualized according to the spiritual teachings). (Bădescu, 2002)

These elements of theory were applied using especially the religious dimension, which acquires an important role for the specific identity manifestations. The noological frames are the most visible elements, concrete units of experiences, becoming indicators of the spiritual power or weakness, if they are not actualized, experienced (an example could be celebrations and their role for the unity of a collectivity, the legends, myths). These manifestations create *spiritual places*, following I. Bădescu, in which the members of a community find themselves, contributing to their identity, strength or weakness, if they are vulnerable, or lived in a deficient mode.

In noological sociology “spiritual power of a people, of a society in general manifests itself entirely in *spiritual places* in which we can see a growth in number and intensity of social interactions towards a wholeness of existence”. (Bădescu, 2002: 167) The absolute spiritual place in which man finds the wholeness of his existence is considered by I. Bădescu to be *the relation of man with God*.

Analyzing in an extensive manner the spiritual dimension reflected through the religious identity, I. Bădescu also reminds us of a very important triad – economic, intellectual, and spiritual – that represents “the part of the people’s defensive potential”. (Bădescu, 2007: 215) However, the most important fact is that spiritual teachings confer unity to identity, to culture. The potentiality of this theory is extensive, reminding here the application of this type in understanding politics, as *Noopolitics*, with the theory of *asynchronous factors*, the analysis of exceptional phenomena with impact on social, political, religious dimensions, like the phenomenon of prophets. (Bădescu, 2006)

Noological sociology also speaks about the disorders of societies, of de-actualization of spiritual latencies, of a false or denaturated experience of spiritual teachings, reflected in a pathological manifestations, at individual and social levels.

If noological sociology is indicative of spiritual power that people could have if the spiritual latencies were actualized in the specific frames according to their fundamental teachings, it is also possible to analyze their degradations and the aggressiveness toward the fundamental data of existence. Here we have the effects of a de-spiritualization of communities, discussed by I. Bădescu when speaking about the *spiritual death* of modern man, dominated by the biological dimensions, egoism, alienation. (Bădescu, 2002) In the same line of thought is the *noogenic neurosis* analyzed by V. Frankl in his *logotherapy*, an existential analysis which shows a more spiritual layer of human psychological disorders, speaking of the *will to meaning*. (Frankl, 2009) In this type of disorder, which has spiritual causes, man

is vulnerable to an existentialist crisis, to an existential frustration determined by a lack of a meaning in life. This disorder, i.e. the *noogenic neurosis*, represents the desperation that a meaning exists, but man cannot reach or see it.

All these social realities are documented and researched by E. Voegelin in different cultures and times, under the specific categories that allowed him to establish a philosophy of history, concentrated on the tension of man and societies towards the *ground of existence*, towards transcendence and the major *leaps of faith* that molded human history and its destiny.

GENERAL NOOLOGY

On the basis of *noological sociology* we tried to look at sociology from a different perspective, in which the spiritual dimension is the defining characteristic of man and society, and the first step towards this normality is made in Romanian sociology by I. Bădescu. We discovered that the same foundation are the pillars of E. Voegelin's philosophy of history and his reevaluation of political science. His extensive studies concentrated on subjects relevant for sociology as well, of peculiar interest being his appeal to return to the empirical experiences of symbols, in order to understand their evolution and deformation under specific historical conditions.

Starting with E. Voegelin's study on *Neo-totalitarianism*, an application of his thinking on current times, we try to stress the importance of introducing in sociology his contribution, which can be of great importance, especially for *noological sociology* and *general noology*. For the contribution of Voegelin's extensive research that should be valued in sociology, he can be considered to be quite as (even as) a founding father of this discipline.

These being said, sociology as a science born in modern times needs the opportunity to reconsider the most human element in society – the reality of spiritual dimension within social existence.

In the endeavor to value the spiritual identity of two peoples in order to understand their identity, and on the premises of *noological sociology* established by I. Bădescu, we thought of four categories that could be applied for other communities, in comparative studies. These were inspired by the religious dimension and proved to be helpful in explaining the identity characteristics and specific historical patterns that two people had⁸. These helped to develop a spiritual profile that indicates the main spiritual patterns of social manifestations. These are:

- the latency of discovering divinity,
- the latency of thrills in front of evil,
- the latency of redemption (salvation),
- the latency of meaning in / of the world.

⁸ Măndiță, M. (2017).

In the research of a community, of people, we begin by identifying the main *typifications* that apply to the specific profile investigated, followed by the *phenomenal* phase, with the identification of specific behaviors, activities, processes of interest for sociological inquiry. This was the first phase in applying the *general noology*, with the purpose to underline the main spiritual dimensions reflected in the religious sphere, for Jewish and Romanian people.

Another phase in developing a methodological path for the noological approach was a larger one, in which we tried to extend the social categories included in the research of a spiritual perspective. Thus, in *Sociology of Spiritual Manifestation* (2017)⁹ the premise was that the religious sphere is a crucial one with sufficient potential to confer an important image of society, without forgetting that religion is only one aspect of spiritual dimension, which includes other social manifestations as well.

In the line of Dimitrie Gusti's Sociological School, concerning the spiritual manifestations as constitutive dimensions (along with the economical, judicial, political manifestations), we focused on the spiritual manifestation, adapting Dimitrie Gusti's categories to current times.

This methodological path includes two layers: spiritual manifestations at the *community's level*, and manifestations at the *elite's level*. This *sociology of spiritual manifestations* is motivated by the special relevance of religion in any society, proved by the founding fathers of sociology, which gives us the opportunity to understand social relations, historical processes, types of inter-subjective and collective behaviors and identities, not to mention that religion is a social reality old as man himself.

I. At the *community's level* the approach is forked in:

1. a research of *religious foundation*, teachings, ideas, institutions, cults etc.; the descriptive phase one of a *sociology of order*.
2. a *noo-phenomenology of religion*, of experiences of faith and beliefs. This results in the evaluation of the impact of religious beliefs over man and society (the impact on social level, on identity, history – concerning the religious man and the evolution of society through history), and the impact of man and society on religion (remarkable personalities that consolidated the belief, the phenomena of saints, the changes of belief – religion in the history of man and society).

For this *noo-phenomenology of religion*, on the community level, we identified a series of beliefs such as: *belief as magic* (seen as help for problems, and miracles), *belief as duty* (the strict following of religious canons, without the expectation of magical salvation – the purest form of religious belief and attitude); *belief as habit* (a superficial relation with the religious faith, going to church only on celebrations, as socially convenient); *belief as nonbelief* (trauma, personal

⁹ Ibidem.

shocks that transform the individual in the adversary of religious dimension, not as a-theism, but as anti-theism¹⁰, the belief of fight with God); *belief as power* (the shocks that pull the man towards the divine mystery, the pull of faith regained).

II. Along this component found at the community's level, we have the *elite's level*, where the sociological interests are concentrated on identifying the elites on professional criteria and inquiring about:

1. *the vision of their mission, gift*, vocations – attitudes of oneself, about the meaning of one's professional activity; the purposes of specific gifts;
2. *the attitudes about others* (family, neighbors, employers etc.);
3. *attitudes about society*, community, people, mission in life, destiny, justice, politics, history etc.

With the inquiring of community and its elite, we can elaborate a spiritual profile, one that is relevant for the noological orientation of a social unit, for a *sociology of order* that discloses the unseen forces in society, as well as the disorders that could make people vulnerable amid the challenges of history.

A SOCIOLOGY OF ORDER

These were the steps made until now in a sociology that can explain and offer a different understanding of human and social destiny in society. Having in mind that scientific knowledge is a dynamic process, we try to develop a *sociology of order* indebted to E. Voegelin's contribution in discerning the humanity (spiritual dimension) of man and his society, along its degradations. This study could be extended in order to draw a different view on sociology, one with a comprehensive theoretical power.

If the *noological sociology*, *general noology* or *the sociology of spiritual manifestations* were inspired mainly from religious dimension of human existence, and largely applied to the religious sphere, a *sociology of order* is intended to reflect the orders/disorders of the entire society, in all its sectors, starting with a larger spiritual frame.

From our definition of a *sociology of order*, based on E. Voegelin's philosophy and on the *noological sociology* of I. Bădescu, we try to widen this approach by including larger manifestations of the spiritual reality in society and culture. Having in mind that this spiritual reality, experienced so differently by societies and cultures throughout history is the *only* human characteristic of people's existence, and that is why it is important to put it in the right place.

This step allows us to view society in his complex web of relations and dynamics, surpassing, not ignoring the religious dimension on which the previous sociological research focused, to integrate it more accurately in a new and larger approach.

¹⁰ Lordan, T. *Eric Voegelin and Henri de Lubac: Reason seeking Transcendence, Nature longing for Grace* (August 21, 2014), available at SSRN: <https://ssrn.com/abstract=2484352>.

Following the connection established by Voegelin *experiences-symbols-equivalents* indicative of *order*, we access a perspective appropriate to reveal the complex social interactions and their effects in time. It is important to mention that this way of researching also allows comparative studies, contributing to a dialogue of cultures, possible by true knowledge.

As we saw in Voegelin's philosophy, a key element is the *tension of participation* between many poles of existence: life-death, mortality-immortality, transcendence-immanence, truth-untruth etc. In this tension is to be found the creative element of human societies, of man, of cultures formed or disintegrated in history. The tension becomes creative, as well as destructive, under specific circumstances. Here, man and society create their order, disorder, their destiny, their culture. Another aspect not to be forgotten, warns Voegelin, is not to lose this tension or to annihilate one of the poles. In this case, the imbalance produces different effects, like the murder of God or the divinization of man. Man's existence takes place *In-Between*, i.e. in the tension towards *the ground of existence*, which means that man is attuned to his existence, while he is the creator of meaning, order, but also of disorders, when his human reality is challenged.

The concrete way to inquire and to elaborate a noological profile based on the research of order/disorder in society could be as follows:

I. Documenting the status-quo of a society (demographics, historical characteristics, development of institutions, their type, mission, type of political, economic, cultural, religious organization etc. Factual data, the portrait of a society, people in raw number should be studied as well.

II. Inquiring about the order that founds all social institutions, social relations, dynamics, and social structures. This phase, the most sociological one, is attained by following the relation proposed by Voegelin between experience-symbols-equivalents (when necessary, in comparative studies). These are capable of contouring a scientific image of a specific social unit.

In this phase, there must be analyzed all the dimensions of a society, a focus being put on the existence / nonexistence of a relation with transcendence, on the meaning assumed at the social level, in different relations to which the perception of existence has meaning, purpose, beyond individual reality.

For acquiring this type of sociological knowledge, one dualism is selected to help understand how the society works, which is the *immanence-transcendence* dimension. For this, it must be kept in mind that it is centered by Voegelin around the *participation* element, the *In-Between* character of experience, where reality is created and revealed. A concentrated formula for this way of approaching reality is *the search for meaning*, which is framed in a larger conception about man, society, God and the world. Another important mention is that this dualism must also reveal the balance of the two poles. If it reveals an imbalance, the disequilibrium is indicative of individual and social disorders, which should be further analyzed.

Immanence-transcendence, the essential dualism in a *sociology of order*, means that the conception over *man* and *God* is extremely important for the ways that *society* and *world* live, create history or disappear in history. The phases of a *sociology of order*, based on the dualism *immanence-transcendence*, *life-death*, *mortality-immortality*:

I. Identifying *types of experiences* (at social and individual levels), like analysis of family relations (conjugal and parental relations, sexuality, the effects of redefining family, the impact of gender issues etc.), neighborhood relations, societal (administrative, work related etc.), judicial, political, religious, cultural.

Losing the transcendence pole (God) means the possibility of *intra-mundane salvations* (immanent salvations) like: escaping / flight in movies, prolonging life through medical procedures, the phenomenon of nutritionism, personal salvation by personal growth, belief / hope that science continues to prolong life expectations or obtain immortality, the question of artificial intelligence and the ethics of developing consciousness by artificial systems etc. All these realities are experienced and reflected in symbols, showing the oscillation between the following poles: transcendence-immanence, order and disorders.

II. Identifying the associated *symbols*, their meaning, evolution, reevaluation under the impact of changing times and attitudes.

III. Identifying their *equivalents* in other cultures or societies of interest to be compared.

IV. *Order* revealed, analyzed and found as reality experienced in the participatory tension between these poles, of immanence and transcendence. This evaluation reveals a *sociology of order* and of disorders, about the provocative and continuous challenges of social and individual lives.

The complexity of studying the question of order is overwhelming and totalizing, and could not be realized without an interdisciplinary collaboration and explorations. However, this study is one that could illuminate the dynamics of cultural spaces of interest for different scientific specializations. This is only the frame to be filled by different contributions made in sociology, in focusing on the problem of order / disorder, but which have not been integrated yet in a comprehensive sociological conception. *Sociology of order* has the possibility to offer the meaning of experienced reality.

STILL... IN SEARCH OF ORDER

In Search of Order was the last book upon which Voegelin worked until his death. It has remained unfinished, probably not coincidentally, if we acknowledge that this search of order could ever be a finished work, especially in present times, when the discoveries of sciences are exploding and challenges are everywhere. Times are also marked by provocative social and individual disorders that demand answers and understanding, brought especially by sociologists, philosophers.

This is a too short article if we consider the weight of such a subject. Our study is a mere attempt to introduce Voegelin's research in sociological inquiry, having in mind that his analytic categories are essential in understanding man and his place in society and in the world, in or out of the relation to God.

As Voegelin underlines, knowledge is not to be contained in a system, it is not a closed process, but one that reaches indefinitely into the future, with adaptive directions that need answers to the continuous challenges for human and social destiny. This attempt is open to development and improvements, and can be adapted to the needs and realities in the complex field of reality.

In this respect we assume Voegelin's position, when he underlines that "the system is a distinctly modern phenomenon, though its modernity has been obscured by a climate of opinion in which the system as the mode of philosophical thinking is taken so thoroughly for granted that the reality of non-systematic philosophizing has been eclipsed (...). If anything was ever clear to a thinker like Plato, who was able to distinguish between the experiences of being and of not-being and acknowledged them both, it was that for better or for worse reality was not a system. If therefore one constructs a system, inevitably one has to falsify reality. One of the important objects of inquiry concerning modern politics would have to make an inventory of the phenomena of systematic falsification, because they are a highly important factor of disorder in the contemporary situation". (Voegelin, 2011: 102–103) It is required from the *sociology of order* to respond to all these falsifications of experiences, of symbols, of individual and social realities.

Thus, the question of order brings a continuous challenge which needs careful analysis, especially when the personal and social disorders are taking control over our manifestations (addiction, exacerbated liberty, egoism, depression, deculturation, etc.). In these troubled times, the *sociology of order* is interested in the tension of human and social participation in *In-Between* immanence and transcendence. In other words, between man and God we have society and the world, a tension amidst so many demanding disorders, which means the attempt to build the *sociology of order*.

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FAȚA NEVĂZUTĂ A LUI HENRI H. STAHL: SCRITORUL.
FRAGMENT DINTR-UN ROMAN INEDIT AL MARELUI SOCIOLOG (II)

IRINA STAHL*

ABSTRACT

**THE UNSEEN FACE OF HENRI. H. STAHL:
THE WRITER. AN EXCERPT FROM AN UNPUBLISHED
NOVEL BY THE GREAT ROMANIAN SOCIOLOGIST (II)**

An initial fragment from an unpublished novel, signed by Henri H. Stahl, the Romanian sociologist, was published earlier in issue no. 5–6 / 2018 of the *Romanian Journal of Sociology*. The text was accompanied by an introductory study in which I presented information regarding the manuscript, as well as the context in which it had been created and the motives behind this unexpected literary venture. The fragment selected for publication was meant to highlight this new and hitherto unknown talent of its author. This sample of his work provides significant insight into H.H. Stahl's linguistic talents, as he used expressive and beautiful language to recreate the atmosphere of villages from long ago. Full of passion and emotion, the text shed a new light upon the personality of the great Romanian sociologist, who was always reserved in his scientific texts. From "between the lines", one can feel his love and deep attachment to the faith of the peasants and their villages. Two new unpublished fragments of the novel, meant to complement the previous fragment, are now available at the end of this brief article. In them, one can recognize Stahl's keen analytical view, that of a highly skilled sociologist capable of engaging people in genuine and revealing conversations while possessing the sharp eye of the observant researcher, in quest of details and nuances.

Keywords: Henri H. Stahl, unpublished novel, sociology of folk culture, folk philosophy, history of Romanian sociology.

În numărul 5–6 / 2018 al *Revistei Române de Sociologie* a fost publicat un prim fragment dintr-un roman inedit, intitulat *Drumuri printr-o țară de demult*, scris de marele sociolog Henri H. Stahl la începutul anilor '30. Textul era însoțit de un studiu introductiv în care aduceam o serie de precizări cu privire la contextul și

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motivele ce l-au determinat pe Stahl să se investească într-o asemenea aventură literară. Am descris cu acea ocazie manuscrisul (păstrat în Arhiva Familiei Stahl) și narațiunea acestuia, insistând mai cu seamă pe îmbinarea dintre realitate și ficțiune și pe maniera în care Stahl a reușit să introducă în urzeala textului întâmplări și dialoguri reale, preluate din notele sale de teren.

Fragmentul redat anterior cuprinde primele file ale romanului (ff. 1–22). El ilustrează frumusețea limbajului folosit de autor, care, prin cuvinte simple, cu iz arhaic, și dialoguri originale (transcrise fonetic, pentru a surprinde mai bine graiul țărănesc), reușește să recreeze atmosfera satelor de altădată. Textul este viu și vibrant, surprinzător prin pasiunea și emoția pe care le degajă. El lasă să se întrevadă o altă față a autorului, întotdeauna reținut în textele sale științifice, dezvăluind un suflet cald și sensibil, altoit pe cel al *obștiei*. Dintre rânduri răzbește dragostea și profundul său atașament față de soarta țaranului și a satului românesc, la al căror sfârșit implacabil devenise martor, fără voie.

În completarea articolului anterior, redau în cele ce urmează alte două fragmente din roman, selectate din corpul manuscrisului. Primul îi are în centrul atenției pe negustorii de oale (ff. 47–60), iar al doilea, pe ciobani (ff. 94–106). În ambele fragmente se resimte privirea analitică a sociologului, ochiul ager al cercetătorului atent la nuanțe și detalii, precum și îndemânarea anchetatorului, oricând capabil să se angajeze în dialoguri veritabile. Ca anchetator social, afirma Stahl într-un interviu de la mijlocul anilor '80, trebuie să ai anumite calități. Trebuie „(...) să te faci nevăzut în sat, să fii mut, să știi să asculți, să vezi, să nu fii băgat în seamă (...), să fii îmbrăcat în așa fel încât să te poată accepta, să te poată clasa undeva oamenii cu care vorbești (...), să știi cum să vorbești pe limba oamenilor, adică așa, ca să te înțeleagă” (Rostás, 2000: 50–51). Toate aceste calități le regăsim la eroul principal, tânăr antropolog în căutare de sine, în ușurința cu care acesta angajează dialoguri și se face acceptat de oamenii întâlniți în drumurile sale prin țară.

Deși neașteptat, romanul lui Stahl nu trebuie să surprindă. El nu face decât să reunească cele două ipostaze ale autorului: om al scrisului și om de teren. Chiar și sub această formă literară, Stahl rămâne fidel vocației sale primare, aceea de cercetător al vieții sociale.

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HENRI H. STAHL
UN NOU FRAGMENT DIN ROMANUL MANUSCRIS
DRUMURI PRINTR-O ȚARĂ DE DEMULT

(...) Umblu prin târg căutând un țăran de la munte, să plec cu căruța lui. Se ține scai de mine ologul târgului, orb și fără de picioare. Ca o insectă răsturnată pe dos, se zbate să se puie pe picioarele pe care nu le mai are. Glasul lui, cântă pe melodia sumară, care, prin partea locului, folosește femeilor când „se cântă” după mort:

Vai Doamne, rău-i noaptea
Pentru mine-i tot noaptea
Lumia n-o mai pot vedea...!

O să mă apuce și pe mine noaptea, și tot n-o să găsesc ce-mi trebuie.

Umblu cu ochii pe jos, după opinci. Omul pe care-l caut trebuie să le poarte cu botul răsturnat, una la dreapta, alta la stânga. Opinci mari, grele, cu nojițe groase, răsucite apoi pe țurloaie, până aproape de genunchi.

Văd opinci de gumă, văd opinci mociorniță, văd bocanci, văd picioare goale; dar nu ce-mi trebuie.

Cu răbdare, până la urmă găsesc un negustor de oale, la a cărui căruță stătea omul meu. Are și nevastă, care se poartă cu părul împletit pe coarne de lemn. Iar calul lui trage în hamuri din piele de jder, netăbăcită, cu păr cu tot. Căruța, la înălțimea stăpânului. Mai rar cuie. Ci mai mult lemn țăpăn, prins în piroane de tisă.

Mi-arunc ochii; sunt în plină civilizație a lemnului; trag cu urechea; adulmec și îmbrăcămintea și hotărâsc: cu omul ăsta plec unde o pleca el, adică până la el acasă, cu oricâte ocoluri.

Îl întreb: „Dearte-i până la Dvoastră, în sat la Lunca-Cernii?”

– Da de unde! I-acolea!

– Când plecați?

– Când o vrea jupânul, adică cel cu oalele, negustorul care îi închiriasc căruța.

– Bădie, m-aș duce și eu tot într-acolo...

Liniște și tăcere.

Nici o vorbă.

– S-ar putea bădie?

– Dé!

De unde să știe el dacă se poate? Treaba asta nu se mai făcuse de nimeni, neam de neamul lui.

– Să vedem ce-o zice muierea.

Dar muierea era de părere că în ruptul capului nu se pot face asemenea lucruri, nemaivăzute și nemaiauzite. Ce să caut eu în sat, la ei?

– Oți fi domnu' notar ăl nou? mă-ntreabă țăranul.

– Da' de unde, zic eu.

– Atunci sunteți Domnu' învățător!

– Asta poate, mă înduplecai eu. Da' vreau să văd întâi satul. Dacă mi-o plăcea, bine. Dacă nu...!

– Păi ți-oi lua o mie de lei.

– Bădie, cu două sute nu se poate?

– Să vedem ce zice muierea.

Muierea fu de părere că s-ar putea.

– Și când plecăm?

– Păi, când o vrea jupânul.

Să vorbesc atunci și cu jupânul.

– Nene Mihai, mă atârâ eu de el, mă luară creștinii ăștia cu ei. Mata ce treabă ai?

– Cu oalele.

– Să ai treabă multă?

– Mai deloc. Stăturăm degeaba de azi dimineață.

– Nu așa, zic eu. Când dai gata negustoria?

– Dumnezeu cu mila, dracu știe!

Și atunci m-am învoit cu el: să plecăm în negustorie împreună; la fiecare nedeie, din sat în sat, să stau la căruță și să vând. El să-și facă tarabă deosebită. Și să vindem. Când o fi gata, îmi dă simbrie două sute de lei și n-are treabă cu mine.

E foarte bună socoteala.

– Dar mâncare?

– Păi, n-om muri de foame.

Atunci, chiar că-i bună socoteala.

Am stat până la asfințit, și am plecat, haida hai, încet, încet, pe caldarâmul orașului, apoi pe drumuri cu praf, până seara, tocmai la marginea orașului.

Mișcase ceva, negustoria. Eram poate bun de gură, dar mișcase ceva.

La margine, am deshămat la han, căruțașul a bătut din amnar și a făcut foc. Erau căruțe multe, și le-am tras una lângă alta, în cerc; la mijloc ne-am adunat.

Vuia cârciuma, ca un roi de albine. Veneau și plecau, intrau și ieșeau.

M-a luat negustorul de-o parte.

– Bei o răchie?

– Beau, zic eu.

– Ai bani!

– N-am, zic eu.

– Atunci n-om bea.

Dar ne-am dus totuși de ne-am uitat prin geam.

Se adunaseră acolo mulțime de oameni.

Și la mijloc, cu lăutari, jucau de rupeau podelele niște gimbași țigani. Înalți, frumoși, cu haine albe strălucitoare, cu bondițe de miel înflorate, cu fir negru, roș și verde, cam ungurește, în cap cu pălării pe care se roteau pene de păun, aruncau banii pe băutură și cântece. Țiganii lăutari le cântau ca la niște nemeși. Iar ei prăpădeau, în fudulă răzbunare, agonisita lor de peste târg, ca să se cheme că neamul țigănesc știe a se purta în lume.

Ne-am uitat cu dispreț, dar de fapt cu invidie, la ei, și am plecat.

– Nici că se face să bem cu țiganii, hotărî până la urmă negustorul meu. Răcnesc ca porci-cușit. Da' las' c-avem și noi oareșcare drojdie, la căruță.²

Așa că ne-am întors la căruță. Am pus pe foc câteva lemne, rupte de prin garduri, și am scos clondirul de sub paie. Am sculat cu de-a sila pe căruțaș, din somn, să tragă și el vreo câteva. Dar ne-am îmbătat totuși repede, fără vorbe multe, ca niște oameni cumiști ce eram, gospodari grăbiți, care aveau mâine zi grea de lucru, și negustorie de purtat.

Lângă noi se stingeă focul; mai departe hăuleau giambașii și lăutarii, în timp ce, deasupra noastră, în noaptea de vară, se rotea cerul cu toate stelele lui. Iară Vega din Lira se oprișe din nou deasupra creștetului meu, ca o lacrimă albă gata să cadă.

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Ne-a apucat frigul în zori; ne-am trezit și am plecat. Abia mije de ziuă; carul s-a urnit scârțâind și a pornit încet, pe drum lung. Dar, în loc să apuce spre Ștei, la munte, a coborât spre câmpie.

– Da' încotro mergem? întreb.

– În țară. Pe sate.

Nici nu putea să meargă negustorul de oale spre munte. Ce să facă acolo? Oalele se schimbă pe cereale și cerealele sunt la câmpie, nu la munte. Îmi vine să stric îndoiala și să plec singur. Dar mai întâi să mă uit la oamenii mei și să caut să înțeleg despre ce e vorba.

Merg alături de căruțaș și încep:

– A fost cam frig azi noapte.

– Fost.

– Da' la munte ne-o fi mai frig.

– Că mergem întâi la câmpie. Apoi ne-om întoarce acasă.

– Da ce-ați căutat în târg? adaug eu, ceva mai târziu.

– Porumb, îmi răspunde posomorât căruțașul.

² În continuare, tăiat cu creionul albastru: „Prăpădiții dracului! Parcă banul face pe om. Unde s-a văzut salcia pom și țiganul om!”

Nevasta lui ciulește urechile, întoarce capul, la dreapta și la stânga, să audă mai bine, cum se uită găinile la uliu. Coarnele care îi împodobesc capul se mișcă și ele, ca la o făptură de pe tărâmul celălalt.

Porumb! Cunosc povestea: e mizeria care gonește pe oamenii de la munte spre câmpie. Au adus desigur lemne, doage sau cofe, ceva din țara pădurilor, ca să dea, să-și facă rost de hrană. Dar mare ispravă nu vor fi făcut.

Trece vremea, încet, încet și ziua se face mare.

Se ridică soarele, cald, aburind pământul.

– Aveți mulți copii?

– Șase. Și e și baba. Dar ne-a murit unul pe primăvară. Ne-am mai ușurat.

– Și cât porumb vă dă negustorul?

– Ni-a da din ce s-o strânge.

– Da' ce neam de om e negustorul? îl ispitesc pe căruțaș.

– Ia, un golan!

Golanii sunt gorjenii; așa le zic cei din Hunedoara. Golani care, și ei goniți din munte, de foame, urcă pe valea Jiului cu „legume”, cu poame, cu oale, cu marchitanărie, cu țuică, cu var, ca să cutreiere Hațegul.

Mă las în urma căruței și intru în vorbă cu negustorul.

– Ce căutași neică, pe la momârlanii ăștia?

„Momârlanii” sunt oamenii Hațegului, în graiul „golanilor”.

– Soarta rea, fir-ar afurisită să fie. Plecai cu frate-miu în precupeție. Da' nu-i chip de făcut nimic. Să te ferească Dumnezeu de momârlani. Și ne omoară zilele odorheienii. Vin cu căruțele pline de oale și vând pe capete. Momârlanul nu prea cumpără decât de la olarii lor, că este proști de felul lor. Nu-i ca la noi.

Gorjanul are chef de vorbă. Spune vrute și nevrute.

Se plânge că frati-su a rămas în târg la Hațeg. Da-i cam prostănac. Cine știe cum s-o descurca. Iar el, ca mai bătrân, a plecat să vândă și pe sate. A-nchiriat pe uium căruța ursului din pădure, să-l poarte prin sate. Peste o săptămână, se-ntoarce în Hațeg.

– Fuseși pe la noi prin Gorj? mă-ntreabă el, mândru.

– Parcă-i cine știe ce mare scofală, pe la voi prin Gorj, îl necăjesc eu.

– Ce te pui, omule! Încearcă de vezi. Acolo-i trai.

– E fudulie, nene Mihai, zic eu. Dacă-i așa, de ce bați drumurile momârlanilor?

Gorjanul scuipă de ciudă și-și blestemă zilele.

– Dacă nu-i porumb, se codește el.

– Păi de ce nu plecași spre Dunăre!

– La băltăreții ăia? ăia-s mai proști ca noaptea. Da' parcă tot nu ca momârlanii. Da' n-oi fi doljan? Pare-mi-se pare! Da' las că n-am zis cu supărare. Nu-i nimic. Îs și printre băltăreți oameni de treabă. Parcă de la o vreme chiar că s-au deșteptat și ei. Că și unii și alții tot apă de Jii [Jiu] bem!

Așa o fi, dar, dacă se întâmplă să fiu acumă doljan, nu se cade să le las rușinea nespălată. Răspund, cu ciudă:

– Aceeași apă, neică; numai că ai noștri nu sunt gușați.

Treaba stă mai să se strice. Dar ce să-i faci! Dacă îți spune gorjanul „băltăreț”, ce poți alta decât să-i răspunzi cu porecla lui și să-i spui „gușat”, pe nume?

Înghite gorjanul în sec și se repede la căruțaș.

– Adormim pe drum, fi-ți-ar pisicile să-ți fie de răs. Țștia-s cai? Căruțașul rămâne neclintit. Parcă nici n-a auzit.

Nici măcar nu simulează gestul de a da bici cailor. Merge ca și când ar avea de mers o mie de ani. Ca și când nu l-ar aștepta acasă baba și copiii lihnii de foame, îngrijorați de întârzierea lui. Are răbdare. Îi trebuie porumb și știe că a intrat pe un fâgaș de fapte, pe care neam de neamul lui, un rând de oameni după alt rând de oameni, l-au apucat, ca să aducă de mâncare, la munte.

Abia dacă într-un târziu se uită cu dispreț la gorjan. Și iar își vede de drum.

Vorba e ce fac eu? Zic că e poate mai bine să mă las intrat în fâgaș și să mă dau de partea „ursului din pădure”. Cum răbda el, să rabd și eu. Și cum s-a purtat el, să mă port și eu.

S-a făcut cald și merg încet și singur. Se face din ce în ce mai cald și sunt din ce în ce mai singur. Mai întâi obolesc și apoi încep să uit de mine. Automat, pașii mi se-nșiruie unii după alții și în mintea mea încetează perindarea necurmată a gândurilor. Nici căruțașul, nici femeia lui, nici caii, nici căruța nu se gândesc la nimic. Avem acumă altă treabă de făcut, o treabă cu care gândul nu are nici o legătură. Ceas după ceas, trebuie să umblăm ca să întâlnim în drum sate. Așa e făcută lumea asta, că, dacă mergi pe drum, cu răbdare, nu se poate să nu-ntâlnești sate; că ele sunt așezate, mai toate, pe lângă drum. Iar călătorul nu are nevoie nici să-și croiască drumul și nici să strângă satele. Așa merg toate lucrurile dacă le știi primi. Acum e vară, apoi o să vină toamna și apoi iarna. Acum suntem tineri, apoi vom fi deplini și apoi bătrâni. Noi trăim, alții mor și apoi murim și noi. Toate sunt firești și toate așa trebuie să fie. N-avem nimic altceva de făcut decât să mergem, fără grabă, încet, cât mai încet, pe drumul cel vechiu al tuturor.

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Negustoria de oale e ușoară. Strigi „Oale, oale, hai la oale, olarul!”. Femeile ies și iau oalele în mână. Tu aștepți. Femeia ține oala cu mâna stângă, se uită lung la ea, o sucește, o urcă la ureche și o bate cu degetele de la mâna dreaptă, să vadă dacă sună plin. Alege câteva oale și le pune jos lângă ea. Apoi se codește și începe a încerca alte oale. Tot i se pare că a găsit una mai bună. Apoi alege din oalele pe care le-a pus deoparte pe cea care i se pare mai proastă. Și iar face proba la ureche, cu cea bună și cea rea. Și se codește și iar le pune în car și iar le dă jos.

Încetul cu încetul se strâng femei multe și rând pe rând iau oalele și le încearcă. Una mai pricepută le ia la încercare și pe ale vecinilor.

Atunci te amesteci tu în vorbă și spui:

– Gata-i acuma. Astea sunt oalele, că plecăm.

Atunci femeia, merge să aducă din casă un găf de boabe și umple până la vârf oalele pe care le vrea. Cu cât e oala mai mare, cu atât intră mai mult porumb.

Nici o tocmeală. Știe toată țara, de la munte la câmpie, de la baltă la podgorie, că asta-i prețul, neam de neamul lui, și că nu se poate schimba.

Oala, ea însăși, oricare din ele, e străveche. Nimic din forma ei, din desenul ei, nu o deosebește de o oală preistorică. Probabil că nici prețul. Așa se va fi schimbat și în paleolitic oala cu cereala.

Apoi conținutul oalei se varsă în sacul negustorului și e gata povestea.

Mai strigi „Oale, oale” ca să nu pierzi vreun mușteriu întârziat și pleci spre alt sat.

Iarăși drum lung, și iarăși fără de gânduri.

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Negustoria a mers destul de bine. Am vândut aproape totul și ne-ntoarcem acum înspre târg. Peste două zile vom fi acolo.

Într-o seară am deshămat lângă sat și gorjanul care din zi în zi e mai vesel și mai mândru îl ia pe căruțaș la „boltă”, să-l cinstească.

Femeia stă lângă caii împiedicați, care pasc pe marginea drumului, mișcându-se schilod, cu săltări ritmice, chinuite. Dreaptă, nemișcată, cu coarnele de lemn în cap, făptura ei pare nepotrivită cu locul, cum ar fi bradul înalt și negru crescut singuratec în plină câmpie.

N-a vorbit nimica, mai toată săptămâna.

Mă întind pe șanț și încep:

– S-a strâns ceva porumb!

Tace și se uită fix, încruntată, nicăieri.

– Suntem poimăine în târg.

– Oare nu ne-o înșela golanul? Îndrăznește ea a vorbi, fără să se clinească din nemișcare.

– Las’ că nu ne-om lăsa nici noi, așa cu una cu două. Nu ne-nșală.

– Să vezi D-ta că o să aibă copiii la iarnă..., o îndulcesc eu. Cum spuneai că-l cheamă pe cel mic, de astă primăvară?

De data asta, parcă aș fi lovit-o drept peste față. Tresare și zice posomorâtă:

– Niculăiță.

– Da’ cum a fost?

– A murit cum a cântat cucul. Abia îl scosesem din iarnă.

Îmi închipui cum a fost, cum s-a jelit după el și cum l-au îngropat în curte, pe deal, fără de popă, punându-i doar brad la căpătâi, așa cum fac toate satele de

munte ale Hațegului, în care casele sunt atât de risipite că nu poate merge omul la biserică. De Joi Mari, va fi adus și ea, la biserică, țărână de pe mormântul proaspăt, laolaltă cu toate celelalte femei îndurerate, ca să citească popa o slujbă de obștie, pentru toți dintr-o dată.

– Dar pe ăstalaltul, care-l faci acum? Cum îi spui?

Femeia își duce rușinată mâna la gură și alta i se sprijină de pântec cu un gest de apărare.

– Niculăiță.

Ca să nu i se cunoască glasul sugrumat, își face treabă pe lângă cai și schimbă vorba.

– Să zici că nu ne-o înșela?

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Negustorul și căruțașul se întorc cu chef. Au băut pe oale și unuia îi pare bine de-i vine să hăule, iar celuilalt mai să-și dea singur cu ceva în cap de necaz.

Gorjanul a venit să mă ia tovarăș la petrecere, pe mai departe; celălalt își suduie nevasta, caii, căruța și zilele.

– Hai, neică, vino, că ne-a mai rămas ceva oale. E și clanaret la crâșmă.

Mă las greu. Ispititorul meu îmi șoptește:

– Hai, c-om da și de muieri. Aci e sat, ce dracu'. Că cu momârlanca asta a noastră am încercat și eu, da' nu s-a putut face nimica.

– Ce tot vorbești, neică, crezi că așa merge? La sigur?

– Păi nu știi momârlancele? Vorba ăluia: că „de curvă și de ulițarnică s-ar culca și cu ursu”. Dar i-e frică c-o mănâncă”. Vino numai și încearcă și las' pe mine, că ne pricepem strașnic, gorjenii. Eu, unul, le cam prăpădesc pe toate.

Am mai întâlnit eu gorjeni din ăștia, tot așa de siguri. Cândva, la Bălțișoara, unul Radu Cimpoiu știa să spuie în șezători o povestire de mare efect, deseori cerută cu stăruință de ascultători, o adevărată bucată de concert. După ce își juca păpușile, la sunetul cimpoiului, și sfârșea cu ele într-o pantomină vag pornografică, aducea vorba de momârlani și spunea cam așa:

– Cei din Hunedoara sunt gugani și momârlani.

Ca să iei un om deștept de la oi, nu poci să-l iei. Nu știe decât să tragă oaia de coadă. Este deștept pe oi, nu pe țară. De unde poate pune ceva deștepteală, dacă stă în vârful muntelui și prinde putere de-i toamna țapăn?

Sunt oameni slabi de minte și tari de virtute.

Gugan pricopsit nu poate fi. Toți sunt „gugani”.

Și parte dintre noi poate că sunt gugani. Dar ei ne zic nouă golani și noi le zicem, ca să ne răzbunăm, momârlani.

Ei au și altfel de gospodării. Avem și noi gospodării, dar nu ne ajută cum îi ajută pe ei. Și atunci ne împrumutăm unii pe alții, iată cum: feciorii noștri iau de

acolo fete! Dar din amoret, nu de nevoie. Din amoret, uite de ce: că nu poți să înșeli o femeie de a lor, că se dă de bună voie. Dacă ne ducem zece oameni de la noi, o sută sunt ale noastre.

Românii sunt mai repezi, suntem mai iuți și ne pricepem.

Dacă o femeie, ai întâlnit-o și îi dai bună ziua și ea zice „Mulțumesc dumitale” și stă în loc, atunci este treaba făcută! Dacă zice „Bună ziua” și pleacă, și spune „N-ai nevoie cu mine”, atunci treaba nu e făcută. Dar tu poți să-i spui așa: „Am nevoie cu bărbatul tău; eu îl cunosc pe el”. Dacă femeia este cumsecade, zice: „Vorbește cu el, nu cu mine”; și atunci treaba iară nu e făcută! Dar dacă tu îi spui: „Eu sunt negustor și am ceva de cumpărat de la voi” și ea răspunde că „Ne vede cineva” sau cine știe ce, atunci treaba este făcută!

Așa este: sunt mai iuți ai noștri, partea omenească; și partea femeiească, sunt mai slabe dincolo.

Îi spun această poveste și gorjeanului și închei:

– Mă, tu ești ca Radu Cîmpoieru de la voi. Mergi cu sacul la negustorie de cerșală, din casă în casă, dar, dacă ar fi după câte spui, ar rămâne femeile borțoase numai ce s-ar uita la tine.

Nenea Mihai vede că n-are cu cine sta de vorbă. Ridică din umeri, își ia un sac cu oale și pleacă chiuind înapoi în sat.

Își cântă singur:

Aolică d-un susai
Ți s-a pus taiul pe trai
Ca jăratecu-n vătrai,
Nen'tule Mihai.

Pe uliță, îl aud, cu câinii lătrând după el, cum se afundă din ce în ce, până ce se stinge larma.

Abia spre ziuă se întoarce pe două cărări, bătut măr, cu oalele sparte, cu hainele rupte și înjurând groaznic de momârlani.

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Avea dreptate femeia: odată ajunși la Hațeg, gorjanul încearcă să ne-nșele. Îl convinge aproape pe căruțaș că a mers prost negustoria, că i s-au spart oalele, așa că nu-i poate da două zecimi din ce s-a strâns, ci numai la 10 oale, una.

– Da' cine-a spart oale? întreb eu. N-ai fi cumva dumneata? Făcuși pagubă omului; că ai luat cioburi în loc de porumb din pricina năravului pe care-l ai. Să-i dai trei oale la zece, să-i acoperi paguba.

Gorjanul strigă și se zbate, ca din gură de șarpe. În ruptul capului nu se lasă.

– Hai nu mai cârâi și mârâi. Dă omului ce se cuvine. Dă măcar din zece două.

Timp de vreun ceas ne-am certat. Obosisem tocmind și era gata să mă răzbească. Până la urmă, blestemând ziua-n care ne-a întâlnit, gorjanul rupse târgul pe a noastră: două din zece.

Am întins două cergi pe jos și am început a număra, scoțând oala plină din sac și deșertând-o de opt ori în cerga negustorului, de două ori într-a căruțașului.

Șase perechi de ochi pândeau manevra. Și din nou ceartă, căci pe ale lui le umplea rase, pe ale noastre mai goluțe.

I-am luat locul și am măsurat eu, ca arbitru.

După ce sfârșirăm și cu treaba asta, și-a măsurat fiecare sacii, din ochi, încercându-i în mână, la greutate, să vadă ce ispravă a făcut.

Am urcat apoi sacii în căruță să-i ducem în târg, la căruța lui frate-su.

Mai rămăseseră câteva oale.

– Dă și la oamenii ăștia ceva oale, să nu zică că-s oltenii calici. Două oale trecură în sacul căruțașului.

În târg, puserăm sacii negustorului în căruța lui.

Făcuse și frate-său ceva treabă. Abia mai rămăsese cu câteva oale.

Căruțașul mă ia de-o parte și mă roagă:

– Ai două sute de lei, dă-mi-i acum, în târg, dacă se poate.

– Că bine zici, am tocmai de luat și eu parale.

– Negustorule – zic eu gorjanului – să facem și socoteala noastră. Ia aburcă-n palmă zece poli!

– Care poli?

– Ți de m-am tocmnit cu d-ta, pe negustorie.

– Păi ce mare treabă ai făcut?

– La ce m-ai pus.

– Dar oalele sparte cine mi le plătește?

– Cine ți le-a spart. Nu cumva am dat eu cu ele de pământ?

– Las-o-ncurcată, zice gorjanul, pândind să n-afle frati-său ce și cum. Na banii. Da' faci cinste.

Am luat banii și i-am dat căruțașului, apoi ne-am dus la cârciumă și am băut câte un rachiu de despărțire.

Am bătut palma și gorjanul a plecat.

– Rămâneți sănătoși, spune el.

– Și noroc la oale sparte, îl necăjesc eu.

– Noroc la coate goale și cu brăcinarii strânși, ne ursește el.

Și dus a fost.

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Acuma nu mai avea nici un farmec toată povestea. Am rămas singur cu căruțașul și femeia lui.

Ne învărtim în loc, câtăva vreme.

– Rămâi aici, îmi spune el într-un târziu. Mai cumpărăm ceva pentru târg și ne întoarcem mintenaș.

Am rămas chiar singur pe uliță.

Mă tem ca nu cumva să plece omul la munte, înșelându-mă, fără de mine.

Aștept cu oarecare îndoială, vreme multă.

Dar la urmă, tot vine, tare grăbit.

– Hai și-om mere, se răstește el.

– Frate-miu, știi ceva? Îl întreb eu. Nu m-aș mai duce cu voi la munte.

– Păcatele mele, da' de unde să-ți scot banii înapoi? Am cheltuit din ei. Și zău că nu e scump, 200 lei, până la noi; că e departe tare. He-hei unde e muntele!

– Atunci facem așa: nu-mi dai banii, dar îmi faci o cărăușie în oraș, aici. Am eu o socoteală.

– Bine, dar repede, că ne-apucă noaptea-n târg, se-nvoiește căruțașul.

Ne-am urcat în căruță și am tras spre marginea orașului, la niște negustori. Am intrat, m-am tocmit și a venit un băiat cu un sac de l-a ținut cu gura deschisă, lângă căruță. Și negustorul a vărsat înăuntru porumb, cu dimerlia, până s-a umplut ochiu' și am legat gură sacului.

Am plătit mai puțin decât într-o seară de petrecere, cu prietenii, la București.

Apoi am ridicat, cu căruțașul, sacul în căruță.

– Rămâneți cu bine, oameni buni, zic eu țaranului și femeii lui.

Stau amândoi fără să înțeleagă.

– Adică cum veni vorba asta? întreabă el. Unde să ducem sacul?

– La voi acasă, la Lunca-Cernei; pentru babă și copiii.

– Dumneata glumești, spune bărbatul!

Dar femeia a înțeles mai repede. Sare din căruță, vine la mine și-nainte să mă dezmeticesc, îmi ia amândouă mâinile, le duce împreunate la sânul ei, de-a dreptul inimii, și-și lipește fața de ele, apoi le duce la frunte, plângând o năvală scurtă de câteva lacrimi mari, care lasă urme adânci pe fața plină de praf.

În sfârșit a înțeles și bărbatul. Se apropie de mine, și-mi pune mâna pe umăr, uitându-se lung și adânc la mine.

– Da' de unde ești, omule, și cum îți spune?

– Lasă, nu vă-ncurcați în socoteli. Primiți de la un biet drumeț. N-aveți grijă: am bani destui ca să cumpăr și poate am și păcate destule să le răscumpăr. Să fie spre iertarea lor.

Amândoi se închină încet. Încă o dată îmi strâng mâna.

Mă roade un gând, ca o remușcare, și mi se strânge în gâtleej ca un nod. Îmi înclăștez gura nu cumva s-o rog pe femeie să pomenească un anume nume, printre morții ei.

Reușesc să mă despart de ei, înainte ca să fiu silit să-mi duc mâna la față, să nu se vadă că mă doare. Mi-e și mie fața plină de praf și s-ar cunoaște.

S-a lăsat noapte și mă duc încet la gară.

O să iau trenul spre Simeria, să ies în calea altor trenuri, care, zi și noapte, străbat țara, în lung și-n lat.

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(...) Dis de dimineată, bate la mine în geam cineva.

– Nu mergi cu noi la munte? întreabă un glas.

Sar ars din pat și sunt gata. Îmi iau ziua bună de la ai mei și le spun că plec să văd și eu o stână.

Urc în căruța care mă aștepta. Gazdele mele privesc liniștite la întâmplarea asta nouă. Fina îmi bagă în traistă ceva merinde. Ne luăm ziua bună, repede, pe tăcute, ca să nu trezim copiii.

Se urnește căruța cu noi și o întindem la drum. Sunt cu doi flăcăi și o fată.

– Încotro mergeți? întreb.

– Până la tăetura lui Ștef, la niște cartofi. Dar Măriuca merge ceva mai departe, până la stână.

E o dimineată rece, înghețată. Se mai văd încă stele, deși au început să pălească. În fața noastră munții se înalță, aproape ca un zid de piatră, de-a dreptul, fără dealuri. Aștept cu nerăbdare să ieșim din sat, să apucăm drumuri de câmp și să ajungem la munte. Facem popas la primii brazi de la poalele muntelui.

Apa Sâmbetei e rece ca gheața. Totuși, mă spăl în ea și simt cum tremur de frig. Dar am trezit astfel mintea, care îmi pare din nou lucidă, gata să înțeleagă tot ce i-o ieși în cale.

– E răcoare tare, zice unul din flăcăi. Rău făcuși să te speli în apa rece.

Fata de lângă mine îmi spune.

– Dărdâi de frig. Ia haina asta.

O scoate de pe ea și mi-o pune mie pe umeri.

Haina e caldă încă și miroase a om. E mare lucru, nu căldura hainei, venită la timp potrivit, ci căldura asta umană, fără de care ne vine atât de greu să trăim.

Fata scoate o ploscă și-mi dă să beau o gură de răchie.

– O să iasă curând și ciocârlia. A răsărit soarele. Nu-l zărim pentru că am intrat în munte. Dar o să-nceapă să se încălzească puțin și pe-aici.

Am urcat destul de sus. Vedem satul, ghemuit, ca un pâlc de pomi printre case, petec de verdeață pe câmpul gol ca în palmă. Drept lângă noi, un lan de hrișcă, cu flori violete. Și ceva cartofi.

– Mai folosiți hrișca? întreb.

– Dacă nu se face la câmp, tot e bună și ea la ceva. Face mălai cam negru. Dar se poate, încă. Bătrânii îl găseau bun. Și-l mâncăm și noi, dacă n-avem încotro. Mălai să fie.

Sărmanii oameni. Ale lor sunt durerile cele mari: foamea, birurile, copiii crescuți în sărăcie. Și aceștia cu care sunt acum, dintr-un sat totuși mai ridicat, abia de sunt despărțiți de sărăcia hădă printr-un părete subțire de bunăstare.

Ca o corabie pe marea adâncă: o spărtură, oricât de mică, ar fi de ajuns ca totul să se scufunde în apele negre ale deznădejzii, acoperind totul.

N-am învățat încă nimic, dacă tot mai mă gândesc la ale mele necazuri, care îmi par copleșitoare, deși sunt atât de mărunte față de marile dureri ale lumii. Ce trăiesc eu sunt doar simple jocuri de ale gândurilor, la suprafață. Cât pot ele trage în cumpănă?

Mi-aduc aminte de un bătrân de altădată, care, drept bună ziua, îmi ura: „Răspuns bun la judecata de apoi!”

Așa gândea el, că vom fi chemați la înfricoșată judecată și atunci ni se vor pune întrebările cele de pierzanie și va fi vai de cel ce nu va avea răspuns bun de dat.

Întreb în gura mare, într-o doară:

– Măi, cine găsește răspuns bun la judecata de apoi? Așa cum zice la citanie?

Dintâi se miră de ce mi-a venit. Apoi, unul din flăcăi spune:

– Răspuns bun? Vai de păcatele noastre, dar cine să găsească răspuns bun?

– Dar poate că atunci vom putea pune noi o întrebare celui care ne întreabă.

– Asta nu se poate. Noi n-avem dreptul la întrebare. Este o stăpânire peste noi! Stă și se miră.

– Ce fel de cuvinte spui dumneata? Ne este dat să ascultăm, nu să ne răzvrătim.

Își face cruce, ca de îndepărtare a ceasului rău.

Căruța se oprește și coborâm cu toții. Am ajuns la locul cu pricina. Flăcăii își descarcă uneltele; merindele. Fata își ia și ea ale ei legături, cu merinde pentru ciobani.

– Departe-i stâna?

– Nu! Diseară sunt înapoi. Mă așteaptă aci căruța și mă-ntorc în sat. Vino cu mine, dacă vrei.

Mă pregătesc de plecare. Ceilalți au și început munca la sapă.

Fără cuvinte, fata pleacă și plec și eu, pe urma ei.

Urcăm la deal, mereu, pe poteci înguste. Rareori, fata se întoarce către mine, să vadă dacă viu. Urcăm mereu și mă țin gâfâind după ea. Are pasul sprinten și pare neistovită.

– Ai obosit, îmi spune, ceva mai târziu, când urcase soarele pe cer, cam de două conace.

– Să stăm jos, să răsuflăm.

Stăm.

– N-ai femeie?

– N-am.

– Atunci cin-te primenește?

– Cu plată. La oraș așa este: se fac toate cu plată.

Se miră.

– Dar n-aveți casă? N-aveți părinți?

– Am. Dar i-am lăsat să mă aștepte.

Dă din cap.

– Nu-i bine așa. Ai fi gospodar tare mândru. Credeam că ai venit în sat la noi, să te gospodărești. Ziceam că poate alde fata părintelui ți-ar fi potrivită. Mi-e vară.

E harnică și are și avere. Ai fi strașnic învățător. O să-ți arăt oile ei, la stână. Dar văd eu că nu vrei. Ai alte socoteli.

Am plecat din nou și am ajuns. Ne-au luat din depărtare lătrăturile deznădăjduite ale câinilor, de cum am intrat în valea îngustă în care așezaseră stâna păcurarii. Au ieșit cu mâna streășină la ochi, să vadă cine vine. Fata le-a dat tainul, mălaiul, pânea, slana și rachiul.

A stat puțin, a mai întrebat câteva ceva, a mai răspuns la ce-a fost întrebată și s-a gătit de plecare.

– Nu vii în sat? mă întreabă.

– Nu. O să rămân aci, puțină vreme, dacă m-or primi ciobanii. Fata le spune:

– Vi-l las pe cumătru' meu, la stână. Să aveți grije!

Și-a luat apoi ziua bună și a plecat.

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Pe înserat, au început oile să se adune, în zurgălăile celei din cap și cu lătratul câinilor, pe de margini. S-au strâns toate în strună și au trecut câte una una, la muls.

Abia pe înnoptate au sfârșit ciobanii. Treabă multă și grea. Ne-am adunat apoi în comarnic, la foc. Ne-am înecat de fum, de ne-au durut ochii. Și am mâncat jintiță, mămligă și ceapă. Am băut și rachiul. Tutun iar am băut cu toții, dintr-al meu; așa că ne-a apucat noaptea târziu, stând de vorbă.

În cinstea oaspetelui lor, au făcut ciobanii șezătoare. M-au pus întâi să le povestesc cum a fost cumetria, cum e treaba prin țară, cum merge câmpul, cum dau ploile. Apoi m-au întrebat de mine. Le-am spus că aş vrea mâine să trec munții să cobor muntele în Țara Românească, în „regat”.

– N-o să-ți fie tocmai ușor, îmi spune baciul, om de peste 70 de ani. Umblă cam multe fiare. Câte n-am tras noi cu ursul!

De cum vine vorba cu ursul, ciobanii de peste toți munții Carpați nu mai conținesc cu poveștile.

E destul să întrebi:

– Cum vine treaba asta, cu ursul? Și își încep amintirile. Începe unul dintre ciobanii mai bătrâni:

– Să vă spun ce-am pățit eu cu ursul. Numa' într-o noapte ies numai cu un băț și cu cuțit. Deasupra era, așa, un hățaș. Aveam cuțit bun, ca și acum. Ai nădejde la el. Zic: ia să ies eu să le dau ajutor la câini. Mă duc cum eram eu îmbrăcat. Că nici nu țineam baierile, că atât am avut noroc. Mergând, numai uite pe hățaș, măntălesc cu el, ca cu dumneata. Numai se ridică și să mă prindă. Când s-a rădicat, câinii au și fost pe el. Dar așa mi-a dat una ca când mi-a dat o palmă și mi-a luat buboul de pe mine. Și când a dat dânsu' să mă trântescă pe lat, numai buboul l-a luat și eu am rămas. Buboul l-a azvârlit. Dar câinii au fost pe el, că, dacă nu era, mă prăpădea. El s-a apucat în oi și, după ce a prins o oaie, câinii au fost năvală pe el. Și

numai a târât oaia după câni și a plecat. Cătu-i de hălăoie, ca un câine se ducea. A fost stângaci rău. Mare pierdere de viață.

Ba și alaltăieri ne-a luat ursu' o oaie. Eu dormeam tot lângă stână. Dar el, Gheorghe, cu ciobanii, ca să le facă să nu doarmă, că este aproape de dus acasă, să fie bălane colea, le ducea mai sus și dormea cu ele acolo.

– Mă Gheorghe nu mai dormi acolo cu ele!

– Ba mă duc cu ele.

Eu dorm singur la stână. M-am pus pe pat; foc aveam la stână. Dormeam. Numai aud niște oi sbierând: mă, ce dracu? Au rămas oi aici? Numai iată oile: veneau grămadă și niciun cioban.

– Ai? Dormiți ai dracului?

– Bace, au venit doi urși și ne-au luat două oi. Unu' a plecat în coasta aia.

– Ia tăciune și să mergem.

Ia el tăciune din foc și hai, ne ducem acolo. Ne ducem acolo și a fost sus pe coastă. Au fost niște târși. Dăm cu tăciunele. Șapte câni erau și lătrau de mama focului. Numai atunci se scoală ursu' și, când a venit pe noi, fugi încoace!

Dar ciobanii: „Fugi bace, că ne prăpădește!”

Am fugit prin niște bolovani, pe acolo. Și aveam două perechi de izmene și s-au crăpat izmenele aici; s-au crăpat amândouă. Și n-am mai știut nimica de târlă. N-a mai știut nimic. Am venit la stână înapoi. Da' după urși nu merg eu cât este lumea.

Mă pun pe pat; când, dau cu mâna pe pielea goală.

– Mă Gheorghe, mă! Mi s-au rupt izmenele amândouă.

– Cum mă?

– După urs.

Cât oi trăi, eu nu mă mai duc după el. Doamne ferește. Dar ce gândești? Dă-l dracului. Doamne ferește.

Râd ciobanii de se omoară. Fiecare în parte are ceva de spus, când s-a întâlnit el cu ursul.

Ursul e ca un om. Umblă în două picioare, strânge în brațe, dă palme, te scuipă de necaz și se sperie de femei. Doar dacă îl întâlnești la zmeură, nu se lasă până nu mănâncă tot ce ai strâns.

– Dar dumneata nu te-ai întâlnit cu el? întreabă un cioban mai tinerel.

– Întâlnit, cum să nu! Odată, treceam din Buzău în Vrancea. Cam prin marginea Penteleului, de la Nehoi spre Piatra Secuiului.

– Știu și eu p-acolo, sare unul. Am fost cu oile, când lucram cu țuțuienii.

– Ei! Și l-am prins la zmeură. Erea zmeuriș mare și mă tot întrebam: mă, cine dracu mănâncă lângă mine? Că eu mă știam singur. Da' vezi că erea și el pe acolo. A fost însă cumsecade. Erea zmeură destulă și pentru el și pentru mine. Așa că și-a văzut de treabă. Doar din cap bălăbănea scârbit, când a dat ochii cu mine.

Și altă dată, eram pe Înău, sus, înspre Țara Năsăudului și a Maramureșului. Dar ursul erea doar un pui de urs, mic și gras. Alerga bufnit pe cărarea de pe

creasta dealului. Eu, fuga după el. Cum eram călare, mă aplecai să-i bag mâna în blană. El se răstoarnă și-mi arde o labă. Și apoi s-a dat de dura la vale. N-am avut ce-i face. Venea în urmă și mă-sa mare, fîroasă, cu gura căscată. Și am fugit amândoi: eu la deal și ea la vale după pui.

– Ai avut noroc că nu l-ai prins. E cumplită rău, ursoaica, dacă te legi de puii ei! spune baciul.

Ciobanii sunt și ei de aceeași părere.

– Baciul nostru e om umblat. Știe. A fost și-n România.

– Și-n America, face altul.

– Când ai fost în America? întreb eu.

– Păi erea cam prin 1905. Veneau oameni de ne scriau pe listă. M-am scris și eu, cu alți tovarăși. Și am fost la Verona Alians, în Ohaio. Doi ani și jumătate mi-am prăpădit vremea acolo. Alții au știut mai bine face ca mine. Au rămas pe-acolo. Dar eu am nimerit la un bos rău și tot muncă peste puterile mele. M-am întors fără nici-o ispravă. E mai bine la oi decât la fabrică. Că, vezi dumneata, eu am apucat-o de mult, ciobănia, de atunci, de când eram copil. De atunci am ciobănit eu la ele.

Dar nu am fost cioban să mă bag la țuțuieni. Am mers tot cu ale noastre, de aici. Ereau pe vremuri târlași de oi, chiar de la noi din sat și din Sâmbăta. Se duceau cu oile la Moldova. Am iernat și pe-acolo, două ierni, la Moldova, la Onești. De atunci este mult, că eream numai de 17 ani când am fost acolo. Că, întâi și-întâi, acolo am fost.

Alte vremuri ereau pe atunci!

– Aveau oi multe de la noi din sat? întreabă cei tineri.

– Au fost mulți. A fost și socru-meu stăpân de oi, târlaș. Și Nic' a Sâmbeteanului. Și Ion Fogoroș și Vasile Fogoroș, care a fost frate cu el; și Vasile, care erea frate cu socru-meu, iar erea stăpâni de munte. Acuma, aveau oile lor, dar cuprindeau și satești. Și herghelii de vaci aveau acolo, la România. Iar ciobani, lua de la noi din sat. Dacă nu găsea, lua și un țuțuian din Săliște, ori cine știe de unde! Dar am avut și de-aici mulți. Am avut pe Luțian, pe Isacu lu' Matei și eu.

Pe vremea aceia, da oi de simbrie, nu bani ca acuma. Da două oi și o cârlană, pe vară. Și la baci, da 5 oi fătate, pe an.

Ciobanii s-au liniștit. Unul dintre ei a scos din șerpar un Vis al Maicii Domnului și m-a rugat să le citesc.

Mi-am dres glasul, am tușit și s-a făcut tăcere. Apoi am început: „Dormind prea sfânta Fecioară născătoare de Dumnezeu, în muntele Eleonului, când a fost în cetatea Betleemului, unde ar fi venit la dânsa Domnul nostru Isus Hristos și a întrebat-o „Maica mea prea sfântă, dormi?” Iar ea a zis: „Fiul meu prea dulce, prea frumos Isuse, am fost adormită și iată că am visat vis pentru tine...”

Ascultă ciobanii visul, cu smerenie.

Se stinge focul încet și glasul meu se oprește. Ne facem cruci mari și, mereu tăcuți, ne pregătim de somn. „Doamne-ajută” spune prin întunec glasul baciului. „Doamne-ajută” răspundem noi, în șoaptă.

Apoi nu se mai aude nimic. Rar, câte un oftat greu. Vreun câine lătrând pe-afară și vântul care geme, prin pustietăți....

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Am plecat a doua zi, în zori, mai departe. Mi-a părut rău că mă despart de ciobanii mei. Dacă ar fi fost toamna și ne-am fi aflat acum vreo treizeci de ani, coboram din munte împreună cu ei și o tuleam la vale, cu cioporul de oi, până la Dunăre sau, poate, dincolo, pe vechiul drum al tătarilor, pe întinsul stepei, departe, cine știe unde, pe undeva în Crimeia.

Sau, poate, așa cum mi-au povestit altădată ciobanii din Poiana Sibiului, plecam spre Banat sau coboram în Oltenia, pe drumuri de culme, tot pe „plaiuri” numai de ei știute, alese astfel încât să nu aibă gâlceavă cu satele, căci știau cum să facă să le ocolească; doar într-un singur loc nu aveau încotro și trebuiau să calce o coadă de sat.

Dar ciobanii din Sibiu sunt o altă speță de ciobani decât aceștia din Făgăraș pe care i-am părăsit. E un sat numai de ciobani, pe care sașii cotropitori i-au alungat din pământurile lor de la șes, așa că n-au rămas decât cu ciobănia, în transhumanță de foarte lung traiekt. Dar ce mulțime de oi nu aveau! Și ce îndrăzneală în negustoria lor, purtată pe scară largă, cu legături și dincolo de graniță, cu mari sume în credit și debit, purtate la băncile țării. Fără totuși a părăsi nimic din tradițiile lor milenare, păstrate cu sfințenie, cum le păstrează toate grupele sociale singuratece. Îmi amintesc de poveștile lor despre obiceiurile lor, de a se spovedi, în tăcere, la trunchiul unui brad, de a se logodi luând mărturie tot un brad și de a-și lega viața însăși de soarta unui brad, de la naștere până la moarte.

Nu mi-a fost dat să trăiesc mai multă vreme cu acest soi de ciobani, cum nu cred să mai existe în lume, care unesc dendrolatria cu contul curent și cecurile.

Ar fi totuși atât de plăcut să pleci și tu, ca ei, să te muți toamna și să te muți primăvara, măcar că mereu pe aceleași drumuri; totuși cam așa fac și păsările călătoare.

Ciobanii de azi mai toți s-au ofilit. Stau priponiți locului, cu oile lor. Ce-nseamnă un vârf de munte, ce-nseamnă o singurătate de o vară pentru cine ar fi putut umbla până la marea cea mare, să treacă Dunărea până în munții Balcanilor și ai Caucazului? Să întindă firele drumului până când ar fi simțit că se rupe îndărătul lor și cale de întoarcere nu mai este. M-aș fi putut și eu, oare, pierde așa, pe drumuri?

Astăzi, nu mai e cu puțință. Afară doar dacă te-ai încumeta să pleci cu șatrele țiganilor, a căror întreagă viață nu este decât o nesfârșită călătorie în plină libertate, într-adevăr ca paserile cerului.

Deocamdată ce fac eu nu e decât să mă târâi de ici colo, metru cu metru, clipă de clipă, pe o arie restrânsă și meschină.

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